

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26258 of 2020

Arising Out of PS. Case No.-285 Year-2013 Thana- BEUR District- Patna

RINKI DEVI W/o- Sri Amardeo R/v- Paithani Nathupur, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Md. Saiyed M.Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-12-2020 The learned counsel for the parties were heard at length yesterday and today, the instant case has been listed under the heading for orders.

This is an application for grant of anticipatory bail in connection with Beur P.S.Case No. 285 of 2013 (G.R.No. 7189 of 2013) registered for the offence punishable under Sections 328, 302 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having administered poison to the husband of the informant in the night of 06.12.2013 and thereby, having killed him. It is alleged by the informant



that upon receiving the news about death of her husband, she had gone to her in-laws' place where she saw that her husband was lying dead on the ground. It is also alleged that the husband of the informant has been killed by being administered poison by the accused persons with a view to grab Rs. 35,00,000/-, being the sale proceeds of the land sold by them.

The learned counsel for petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. It is further submitted that the petitioner is the sister-in-law of the informant and the deceased was the brother-in-law of the informant and she has been falsely implicated in the present case, with ulterior motives. It has been further submitted that some of the witnesses, during the course of investigation, have disclosed that the deceased used to drink a lot and on the alleged date of occurrence, he had become restless as also was suffering from loose motion.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having heard the learned counsel for the parties and having gone through the materials available on record as also in the case diary in question, it is apparent from the F.S.L. report dated 11.12.2014 that the Viscera of the deceased, Amarnath Yadav, has been found to be containing almunium Phosphide commercially known as 'CELPHOS', which is stated to be a highly poisonous substance. It is also apparent from the supervision note of the police and from the investigation conducted by the police that the complicity of the accused persons including the petitioner herein in the alleged occurrence of poisoning, leading to the death of the deceased cannot be ruled out and it has been suspected that while the deceased had gone to the hospital to meet his brother, who was admitted at the hospital, the petitioner and other accused persons had mixed poison in 'samosa', which was then offered to the deceased and upon eating the same, his condition



had subsequently deteriorated leading to his death, hence, prima facie, a case is definitely made out as against the petitioner herein, thus, I do not find the present case to be a fit case for grant of anticipatory bail, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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