

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26638 of 2020**

Arising Out of PS. Case No.-59 Year-2019 Thana- GHOSI District- Jehanabad

SHIVLAL BIND s/o Shiya Sharan Bind r/v-Khirauti Garh P.s.-Ghosi, Distt-
Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 12-10-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Ghosi P.S. Case No. 59 of
2019, registered for the offence punishable under Sections 304,
328 and 34 of the Indian Penal Code.

As per prosecution case, on 15.02.2019 at about 10.00
am, petitioner along with other accused persons assaulted the
mother of informant, thereafter, villagers came and pacified the
matter. It is further alleged that thereafter the informant went to
the school and when she returned from the school, she saw that
her mother was lying on the ground. Thereafter, villagers took
her mother to the hospital and during course of treatment, she



died.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. As per the FIR, this petitioner along with other accused persons assaulted the mother of informant, whereas, from perusal of the inquest report of the deceased Dhano Devi, it appears that she was administered poisonous substances, as a result of which she died. F.S.L. report also confirmed the same fact that deceased died due to poisonous substances. It is further submitted that no such instance of administering poison to informant's mother has ever taken place, so only on suspicion these petitioners have been made accused in this case. There is no eye-witness of the occurrence. The informant is niece and deceased is Sister-in-law of the petitioner. Moreover, co-accused Baby Devi who is Gotni of the deceased has already been granted bail by this court vide order dated 08.07.2020 passed in Cr. Misc. No. 15953 of 2020. Charge sheet has already been submitted. Petitioner is in custody since 03.01.2020 having clean antecedent as stated in para 3 of the bail petition.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Jehanabad in connection with Ghosi P.S. Case No. 59 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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