

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80082 of 2019

Arising Out of PS. Case No.-348 Year-2019 Thana- JAHANABAD District- Jehanabad

Krishna Pal S/o Late Deocharan Bhagat, R/o village- Lalsa Bigha, P.S. and
Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj and Rashmi Kumari Mandilwar

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

6 10-12-2020 An FSL report kept in a sealed cover has been received and it has been opened in presence of the counsel for the parties. The court below has produced the forensic science laboratory report in which it has been reported which is as follows:-

“Aluminium Phosphide was detected in the dark brown fluid contained in the plastic jar marked 01& 02 as described above.

Aluminium Phosphide which is commercially known as “CELPHOS” is severe gastro-intestinal irritant. It is used as a grain preservative & is highly poisonous.”

The aforesaid report has been signed by Amit Kumar Choudhary, Assistant Director, Forensic Science Laboratory,



Govt. of Bihar, Patna, dated 14.08.2020.

Heard Mr. Nitya Nand Neeraj, learned counsel for the petitioner and Mr. Shyam Kumar Singh, learned counsel for the State through Video Conferencing.

In the present case, the petitioner is seeking anticipatory bail in connection with Jehanabad P.S. Case No.348 of 2019 registered for offence punishable under sections 328, 304(B)/34 of the Indian Penal Code.

From the FIR it appears that the marriage of the victim was solemnised with Pinku Kumar son of the present petitioner in the year 2013 and from the marriage onwards, she was often expelled from the house of her husband and she was also physically and mentally tortured by her husband. Pinku Kumar was living outside his village for his livelihood but he was not giving any maintenance to his wife. On 03.05.2019 Pinku Kumar, Krishna Pal, Raniya Devi, Sangita Kumari and Reshmi Kumari have administered poison and killed the victim. The forensic report shows that she died on account of highly poisonous material of celphas.

Learned counsel for the petitioner submits that in paragraph 23 of the case diary, the supervision report shows that the petitioner was not in his house at the time of incident, but it



appears from the case diary that after the death of the victim all, including the petitioner fled away from there.

Looking to the entirety of the matter, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly his prayer for bail is rejected. However, if the petitioner surrenders before the court below and prays for regular bail, the court below without being prejudiced by this order will take decision looking to the fact that the petitioner is father-in-law of the deceased.

Let the FSL report be put in a sealed cover and sent to the court below for needful.

(Shivaji Pandey, J)

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