

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68988 of 2019

Arising Out of PS. Case No.-147 Year-2019 Thana- NOORSARAI District- Nalanda

AWADHESH PRASAD Son of Sri Bisheshwar Prasad Resident of Village -
Makanpur, P.S.- Noorsarai, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur Mr. Nilesh Kumar
For the Opposite Party/s	:	Mr.Rina Sinha
For Informant	:	Mr. Binit Kumar Ms. Sandhya Kumari

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-01-2020

This application, for grant of anticipatory bail, arises out of Noorsarai P.S. Case No. 147 of 2019, disclosing offences under Sections 498(A), 307/34 of the Indian Penal Code, in which, subsequently Section 302 of the Indian Penal Code was also added.

Petitioner happens to be husband of the deceased and allegation against him is of demand of dowry and torturing her and F.I.R disclosed that he administered some chemical substance to her due to which her condition deteriorated and ultimately she died.

Submission of learned counsel for the petitioner is that as a matter of fact the deceased was in her maik and there



was no occasion for the petitioner to administer any poison to the deceased. Further submission is that petitioner has earlier filed the matrimonial case for restitution of conjugal rights and further the postmortem report also does not show any sign of assault on the body of the deceased.

Heard learned A.P.P. as well as learned counsel for the informant and perused the Viscera Report, from which, it appears that Aluminum Phosphide was detected in the contents of glass Jar, Aluminum Phosphide commercially known as Celphos and is highly poisonous substance.

Having heard both sides, considering the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner has to surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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