

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69023 of 2019

Arising Out of PS. Case No.-166 Year-2013 Thana- VAISHALI District- Vaishali

Bachchu Mahto, Son of Brahamadev Mahto, R/o Gram - Bahorokha, Paterhi
Belsar, Anirudh Belsar, P.S.- Vaishali (Belsar O.P.), District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mrs. Namrata Mishra, Advocate Mr. Chhote Lal Mishra, Advocate
For the Opposite Party/s :	Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Vaishali P.S. Case No.166 of 2013 registered for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

It is contended that though there is allegation of assault in the first information report, in the postmortem examination of the deceased, no antemortem injury was found on the person of the deceased. The viscera was preserved, which was sent to the Forensic Science Laboratory for chemical examination. The report submitted by the Director, Forensic Science Laboratory would reveal that no Metallic Alkaloidal, Glycosidal, Pesticidal or Volatile poison could be detected in the



fluid sent for chemical examination. The ultimate opinion of the doctor, who conducted the postmortem examination is that the death was caused due to disease following multi-system failure. It is contended that in absence of any legal evidence the police are trying to apprehend the petitioner in connection with the case.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, after going through the materials collected during investigation, as recorded in the case diary, he contended that the Deputy Superintendent of Police, who has supervised the case, has opined that the case is true for the offences punishable under Sections 306 read with 34 of the Indian Penal Code.

On query, as to whether there is any material to suggest that the petitioner abetted the deceased to commit suicide, he fairly stated that there is no positive evidence in this regard in the whole case diary.

In the facts and circumstances of the case, in the event of arrest or surrender in the court below, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Vaishali at Hajipur in connection with Vaishali P.S.
Case No.166 of 2013 subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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