

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25386 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- HISUWA District- Nawada

VIKASH SINGH SON OF ASHOK SINGH Resident of Village- Mahadeo
More, Hisua, Police Station- Hisua, District- Nawada.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Birendra Kumar, Advocate.
For the State	:	Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 15-12-2021 The applicant/accused in Crime No.14 of 2020 registered with Police Station-Hisua for the offences punishable under Sections 302 and 201 of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial after filing of the charge-sheet.

Heard learned counsel appearing for the applicant/ accused. He submits that all co-accused situated similarly have been granted either anticipatory bail or regular bail by this Court. He further submitted that mere finding of a wrapper of sulphate on the spot is not sufficient to connect the applicant with the capital offence. It is further argued that deceased died because of diarrhea.

Learned Prosecutor opposed the application by contending that deceased was subjected to cruelty and finding of phosphorus on the spot makes out a case for the offence under Section 302 of the Indian Penal Code.



I have considered the submissions so advanced and also perused the case diary.

Immediately after health of deceased Priyanka Devi was deteriorated, Dr. Ram Bachan of the village was summoned and he found that Priyanka Devi requires treatment at the higher centre. She was then taken to Nawada and subsequently was referred to Patna and on the way she died.

Co-accused who happens to be the member of the house namely Santosh Singh is already released on bail vide order dated 10.09.2021 passed by the coordinate Bench of this Court in Criminal Misc. No.35591 of 2021. Other co-accused Ashok Singh, Draupadi Devi and Sangita Devi were granted pre-arrest bail vide order dated 05.08.2021 passed in Criminal Misc. No.4358 of 2021 by the coordinate Bench of this Court. Evidence against all of them is similar in nature i.e. finding of wrapper of Oregano Phosphorus poisoned Sulphate on the spot. Therefore, the applicant is entitled for the same treatment particularly when the investigation of the crime in question is already over. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.14 of 2020 registered with Police Station-Hisua for the offences punishable under Sections 302 and 201 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial



court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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