

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26069 of 2020

Arising Out of PS. Case No.-98 Year-2019 Thana- CHANDI District- Nalanda

SUBODH @ GOLU, aged about 35 years (Male), Son of Rudal Yadav @ Rudal Gope, Resident of Village- Atramchak, P.O.- Chankipur, P.S.- Noorsarai, District- Nalanda, Bihar- 803115.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Advocate.

For the Opposite Party : Mrs. Renu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 22-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 328 and 302/34 of the I.P.C.

The prosecution story, in brief, is that on 24.03.2019
at 5.00 P.M. in the evening, Subodh @ Golu called Gopal
Prasad, the husband of the informant, from the house. When her
husband returned back to the home, he started vomiting and
feeling anxiety and started saying to save him. Her husband also
stated that Subodh @ Golu (petitioner), co-accused Kailu, Jyoti,
Kari Devi and Randhir Kumar after assaulting him administered
poison to him. With the help of villagers, her husband was taken
to hospital but on the way, he died. The reason behind the



occurrence is that her husband purchased a Tempo and Subodh @ Golu (petitioner) wanted to grab the same in his custody.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 12.10.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the prosecution case, it is a case of last seen. The deceased, prior to his death, was called by the petitioner and other co-accused. After conducting postmortem, the doctor has mentioned that the cause of death can only be ascertained after receipt of F.S.L. report. F.S.L. report was called for and a letter regarding the same has been received from the Director, Department of Forensic Science Laboratory, Bihar, Patna, vide its Memo No. 244 dated 02.12.2021 and the same is kept at Flag- 'B' on the record. It indicates that no sample has been sent in respect of the present case to the Lab. The cause of death could not be ascertained and the allegation made in the F.I.R. can not be substantiated in absence of F.S.L. report.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Hilsa (Nalanda), in connection with Chandi (Bena) P.S. Case No. 98/2019.

(Sudhir Singh, J)

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