

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.29787 of 2021**

Arising Out of PS. Case No.-64 Year-2020 Thana- BALRAMPUR District- Katihar

MD SAJID RAJA @ SAJID REJA @ MD. SADIQUE S/o Md. Abeda R/o  
village- Birnagar, P.S.- Balrampur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Musowir, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

7      24-02-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two  
weeks of the complete start of the physical Court in normal  
course.

The petitioner, who is in custody since 20.05.2020,  
seeks regular bail in connection with Balrampur P.S. Case No.  
64 of 2020 for the offence punishable under Section 302/34 of  
the Indian Penal Code.

The prosecution case, in brief, is that the father of the  
deceased got information about death of her daughter on  
17.05.2020 and the F.I.R. was lodged on 18.05.2020. The  
autopsy report reveals that the doctor has opined the cause of  
death due to consumption of poison. In course of investigation it  
has been found on the basis of statement of several witnesses



including the gotni (sister-in-law) of the deceased that the deceased was having illicit relationship with her devar and when she was found with her devar in an objectionable condition, out of the embarrassment she had committed suicide by consuming poison.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that so far as the present petitioner is concerned, there is no specific allegation that it is the petitioner who had forced the deceased to commit suicide or had administered poison to the deceased. The doctor has found no external or internal injury while the cause of death opined by the doctor is due to consumption of poison and there is every likelihood that the victim committed suicide by consuming poison and no case of alleged murder is made out against the petitioner. Petitioner has clean antecedent and he is in custody since 20.05.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that from the post mortem report, it appears that it is a case of poisoning and there is every likelihood that the petitioner has given poison to the deceased because he was having illicit relationship with his



bhabhi as it would appear from the statement of the independent witnesses as well as his own bhabhi who had found the petitioner having illicit relationship with the deceased and therefore complicity of the petitioner cannot be denied and as such the petitioner does not deserve to be released on bail.

Having heard the rival submissions of the parties and materials available on record, it appears to be suspected case of poisoning. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar in connection with Balrampur P.S. Case No. 64 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(Purnendu Singh, J)**

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