

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33237 of 2021

Arising Out of PS. Case No.-329 Year-2020 Thana- SANDESH District- Bhojpur

BALKISHUN NONIA Son of Late Mahtam Nonia Resident of Village -
Tirkaul, P.S.- Sandesh, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Sandesh P.S. Case No. 329 of 2020 instituted for the offences
under Sections 302, 328/34 of the Indian Penal Code read with
Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act in which charge-
sheet came to be submitted under Section 306 of the Indian
Penal Code read with Sections 3(i)(r), 3(2)(va) of the SC/ST Act
against the petitioner.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in this case.

Learned counsel for the petitioner further submits that



the informant alleges that his mother was called for dinner by Balkisun Noniya (petitioner) on 10.12.2020 and after returning from dinner her mother vomited and said she is not feeling well and went to sleep and next morning died. Thus, the informant alleges that his mother was poisoned and further villagers disclosed that she had taken dinner with petitioner and other named accused persons, further prior to the occurrence a scuffle took place between the informant and accused persons pertaining to land dispute.

Learned counsel for the petitioner submits that during investigation, it transpired that the deceased was in love with the petitioner and the relationship was being objected by the informant, hence, earlier also she consumed poison. It is further submitted that no benefit would accrue to the petitioner by killing the deceased and if there was scuffle prior to the occurrence then why the informant permitted the deceased to go for dinner in the house of the petitioner. It is further submitted that the postmortem report clearly records that no external injury were found and the viscera i.e. both lungs, liver, spleen, heart, kidney and stomach were intact and congested and the viscera was preserved.

Learned A.P.P. for the State vehemently opposes the



prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.01.2021, charge-sheet has been submitted in this case and the petitioner is a person with clean antecedent let the petitioner above named 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 learned court below wherever the case is pending in connection with Sandesh P.S. Case No. 329 of 2020.

(Satyavrat Verma, J)

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