

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39696 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- PIRPAINTI District- Bhagalpur

S.K.Akil @ Mohd. Akil Son Of Late Yasin R/O Village- Pirpainty Bazar, P.S.-
Pirpainty, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate
	:	Mr.Subodh Prasad, Advocate
		Mr.Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-11-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned senior counsel for the petitioner
submitted that inadvertently, police case year in the Paragraph
No.1 of the bail petition, has been wrongly typed as ‘2020’
instead of ‘2021’.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself

The petitioner seeks bail in connection with Pirpainty
P.S. Case No. 219 of 2021 registered for the offence under



Sections 328 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 12.03.2022.

The allegation against the petitioner is to commit murder of his wife, after administering poison.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case due to family property dispute with informant. It is submitted that the present FIR was lodged after delay of 10 days of the occurrence without any just explanation. It is further submitted that marriage of petitioner with deceased/wife solemnized in the year 1996 and was living happily and, as such, there is no occasion to cause death, as alleged through present FIR. It is further submitted that from the face of FIR, it appears that it is a case of committing suicide, due to frustration arises out of prolonged illness. It is further submitted that no external injury was found upon body of the deceased, during the course of post-mortem. It is also submitted that both major sons of the deceased specifically stated, during the course of investigation, in Paragraph No. 8 and 9 of the case diary that their mother died out of her illness. While concluding the argument, it is submitted that investigation of this case is



complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that “Celphos” was found in preserved viscera of the deceased, which is a highly poisonous grain preservative.

Considering the facts and circumstances as mentioned above, as no external injuries available as per post-mortem report, where FIR was lodged after delay of 10 days without any just explanation coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Pirpainty P.S. Case No. 219 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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