

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66261 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- MANIYARI District- Muzaffarpur

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DHARMENDRA KUMAR SON OF RAMAVTAR RAI R/O VILLAGE-
ITAHA POLICE STATION - SAKRA DISTRICT -MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Prakash Shrarma, Advocate
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Arun Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Maniyari

P.S. Case No. 106 of 2021 registered for the offence under

Sections 328, 302 and 34 of the Indian Penal Code.

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

custody since 01.04.2021.

The allegation against the petitioner is to commit

murder of the son of the informant by administering poison

through cold drink.



Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and entire allegation is founded over suspicion, as petitioner called the son of informant to accompany him with his bolero for his '*Sasural*'. It is submitted that though as per FSL report, the 'Celphos' was found in the preserved viscera report but it does not lead to a conclusion *ipso facto*, that same was administered by this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that deceased was 'last seen' or accompanied with this petitioner.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where, allegation regarding administering poison appears suspicious coupled with the fact that charge-sheet has already been submitted, where, petitioner is in custody since 01.04.2021, let the petitioner, above named, is directed to be released on bail in connection with Maniyari P.S. Case No. 106



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 Additional Sessions Judge-20th Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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