

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10906 of 2023

Arising Out of PS. Case No.-36 Year-2020 Thana- MASHRAK District- Saran

-
1. Bharat Prasad @ Bharat Singh S/o Late Chandradeo Prasad R/o Village- Harpur Jan, P.S.- Mashrak, Distt- Saran.
 2. Birendra Singh @ Virendra Singh S/o Late Janak Singh R/o Village- Harpur Jan, P.S.- Mashrak, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 21-08-2023

Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 328, 302/34 of the Indian Penal Code.

3. As per the prosecution case, on 21.01.2020 at about 9 PM, when the informant was cooking, in the meantime, these petitioners came to meet her husband and took liquor and whenever, informant tried to interrupt, she was asked to go back to her room. After consuming liquor, husband of the informant started vomiting and later on, died. Informant suspects that death of her husband caused due to adulteration of poison in the liquor by these petitioners.



4. It is submitted on behalf of petitioners that only suspicion has been raised against these petitioners. During investigation, the informant has retracted from her previous statement. Apart from that independent witnesses have also not supported the prosecution case.

5. However, learned A.P.P. for the State opposed the bail petition and submitted that petitioners are named in the F.I.R. and there is specific and direct allegation against them that they administered poison as a result of which, husband of informant died. The viscera report corroborates the prosecution case wherein *Zinc Phosphide* has been detected, which is commonly used as a *rat killer* and is highly *poisonous*.

6. Considering the same, the prayer for anticipatory bail of petitioners is rejected.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

