

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20361 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- SANGRAMPUR District- East
Champaran

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Rahul Pandey S/O Harinand Pandey Resident of Village- Ghusiyar, P.S.-
Sangrampur District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Dwivedi, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
25.08.2022, in connection with Sangrampur P.S. Case No. 288
of 2022, F.I.R. dated 24.08.2022 registered for the offences
punishable under Sections 302, 328 of the Indian Penal Code.

3. Allegation against the petitioner is that he
administered poison to his son aged about 3 years.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.
He further submits that as per F.I.R. the petitioner had



administered poison to one of the son aged about 3 years but in the postmortem report, the doctor has opined that the cause of death is not clear and viscera has been preserved and as per viscera report, the allegation as alleged in the F.I.R. is false and fabricated and result of examination of the viscera report is that *“(1) No Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile Poison could be detected in the contents of all twelve small plastic containers marked ‘1’ to ‘12’ as described (2) Poison and other Alkaloid could not be detected in the contents of small plastic container marked ‘13’ as described”*. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.08.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that almost all the witnesses have supported the prosecution case but fairly submits that the viscera report does not support the allegation as alleged in the F.I.R..

6. Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Est Champaran at Motihari in connection with Sangrampur P.S. Case No. 288 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)

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