

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38471 of 2023

Arising Out of PS. Case No.-745 Year-2020 Thana- MAJHAULIA District- West Champaran

VINOD RAM S/O LATE SUKHAL RAM R/O Village- Parsha Khojwa Tola,
P.S- Majhauilya, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Majhauilya P.S. Case No. 745 of 2020 registered for the offence under Sections 302, 328 and 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 15.04.2022.

4. The allegation against the petitioner is to commit murder of son of informant, along with other co-accused persons, by administering some poisonous substance/spurious liquor, where after consumption, son of informant died on very next day of occurrence, where, occurrence is arises out of unsecured loan of Rs. 50,000/- given by the deceased on the occasion of marriage of daughter of



petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that son of informant is habitual drinker and out of consumption of spurious liquor, he died. It is submitted that alleged loan of Rs. 50,000/- to petitioner is without any basis and just to aggravate the allegation. It is further pointed out that as per forensic report of preserved viscera no metallic alkaloid spurious liquor/poison was detected, negating the allegation, *prima facie*, as raised through present FIR. It is submitted that allegation against this petitioner is very much general and omnibus. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as no metallic alkaloid, spurious liquor/poison detected in preserved viscera, in the background of suspicion, as raised through present FIR coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 15.04.2022, let the petitioner, above named, is directed to



be released on bail in connection with Majhauriya P.S. Case No. 745 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-IIIrd, Bettiah, West Champaran/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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