

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43370 of 2022

Arising Out of PS. Case No.-226 Year-2016 Thana- BETTIAH CITY District- West
Champaran

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Ranjit Malik, Son of Motilal Malik, Resident of Village - Naurangabagh, P.s.-
Bettiah Town, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bettiah Town P.S. Case No. 226 of 2016
registered for the alleged offences under Sections 328 and 302 of
the Indian Penal Code.

As per prosecution case, after consuming meal in a
feast, four persons died and three persons recovered. Later on,
police came to know that the petitioner administered some
intoxicating drink to the persons who fell ill and died.

Learned counsel for the petitioner submits that no
occurrence as alleged has ever taken place. Petitioner has no role

in administering any type of poisonous drink to the deceased. On the alleged date of occurrence the marriage of daughter of one Lalbabu Malik was held and on that occasion hog's meat and rice were served and some persons suffered from diarrhea and died. None of the family members of the persons who died named the petitioner as the person who administered any poisonous drink to the deceased. The informant is a police personnel and he just mentioned that he came to know through his informer that the petitioner offered some poisonous drink to the deceased and except for this allegation there is nothing against the petitioner. The petitioner also belongs to the same community of the deceased persons'. Charge sheet has been submitted in this case and the petitioner is in custody since 09.02.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that viscera of the deceased persons were preserved and its examination shows detection of thyhmet in the viscera of the deceased persons. However, the learned A.P.P. concedes that the statement of the persons who recovered were recorded by the police and they did not support the prosecution case about administration of any intoxicating or poisonous drink to the deceased or to them.

Perused the records.

Having regard to the facts and circumstances and

submission made on behalf of the parties and considering the distinct lack of material against the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bettiah (West Champaran) in connection with Bettiah Town P.S. Case No. 226 of 2016, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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