

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18797 of 2024

Arising Out of PS. Case No.-412 Year-2022 Thana- KORHA District- Katihar

1. Sony Paswan S/o Late Kailash Paswan @ Kailu Resident of Village - Musapur, P.S. - Korha, District - Katihar
2. Gurudev Paswan S/o Kailu Paswan Resident of Village - Musapur, P.S. - Korha, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Musowir, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 25-06-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 302, 328/34 of the Indian Penal Code.

3. As per prosecution case, on 12.09.2022 at about 11:00 AM, these petitioners took husband of the informant along with them for some work and after two hours they brought him back in unconscious state and told the informant that he is not well and he needs to rest. At about 9:30 PM, when he did not wake up, the informant with the help of others took him for treatment on vehicle but he died on the way.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case only on suspicion. He further submits that during investigation, it has come that the deceased was a habitual drinker and he died due to excess consumption of wine. Petitioners claim clean antecedent.

5. However, learned A.P.P. for the State vehemently opposed the bail application and submitted that petitioners are named in the F.I.R. and in fact, there is specific allegation that these petitioners administered poison in the drink of the deceased. He further submits that in the post-mortem report Aluminium Phosphide along with Ethyl Alcohol were detected in the body of the deceased which is commercially known as Celphos.

6. Considering the nature of accusation and gravity of the offence, prayer for bail of the petitioners is refused.

(Prabhat Kumar Singh, J)

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