

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62382 of 2024

Arising Out of PS. Case No.-200 Year-2021 Thana- PALASI District- Araria

-
1. Poonam Devi W/O Rameshwar Mandal R/O Village- Baluwa Kaliaganj, P.S- Palasi, Dist.- Araria.
 2. Rameshwar Mandal S/O Late Sukhdeo Mandal @ Reshan Mandal R/O Village- Baluwa Kaliaganj, P.S- Palasi, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 18-11-2024 Heard learned counsel for the petitioners and learned
APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Palasi
P.S. Case No. 200 of 2021 instituted for the offences under
Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioners is of committing
murder of the husband of the Informant by way of strangulating
and choking him.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence as
alleged against them and have falsely been implicated in the



present case. The petitioners are wife and husband and have falsely been implicated in the present case. He further submits that from the inquest report, it appears that there is no any external injury on the body of the deceased. He further submits that from perusal of the postmortem report, the cause of death has been mentioned as a consequence of chronic multi organ disease. However, viscera was preserved and handed over to the police for its chemical analysis and, hence, the postmortem report does not support the prosecution case. The report of the Forensic Science Laboratory, Bhagalpur shows no Metallic, Alkaloid, Glycosidal Pesticidal or volatile poison detected in the contents of plastic jar and, thus, it also does not support the prosecution case. There is no independent witness to support the prosecution case and all the witnesses who have supported the prosecution case are hearsay witnesses. He further submits that there is no specific or direct allegation of any overt act against the petitioners rather the same are general and omnibus in nature. The petitioners were having no motive to kill the deceased. He further submits that the date of alleged occurrence is 08.10.2021 whereas the F.I.R. was instituted on 10.10.2021 and there is no plausible explanation for such delay which creates doubt in the prosecution case. He further submits that as



a matter of fact, the victim has died its natural death due to multi organ disease in front of the house of the petitioners but, due to suspicion, the petitioners have been falsely implicated in the present case. The petitioners have no criminal antecedent and are languishing in judicial custody since 17.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the allegation alleged against the petitioners is serious in nature. The charge-sheet has been submitted under Sections 302/34 of the I.P.C. The Informant in his re-statement has supported the prosecution case. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. This Court, after having heard learned counsel for the parties and going through the case diary, finds that the postmortem report and the F.S.L. report does not corroborate the prosecution case. The petitioners have no criminal antecedent and are in custody since 17.05.2024.

7. Accordingly, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of Court below/concerned Court in connection with
Palasi P.S. Case No. 200 of 2021, subject to the following
conditions;

(i) One of the bailor(s) shall be the own/close family
members of the petitioners.

(ii) The petitioners shall cooperate 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 in the event of failure on two consecutive dates
without sufficient reasons, their bail bond shall be liable to be
cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

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

