

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69859 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- ALIPUR District- Gaya

Gayatari Devi Wife of Vijay Kumar @ Vijay Kumar Mishra Resident of
Village - Bara, P.S.- Alipur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-02-2024

1. Heard learned counsel appearing on behalf of the
and learned Additional Public Prosecutor appearing
of the State.

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Alipur P.S. Case No. 01 of 2023 registered for the offences punishable under Section 328 of the Indian Penal Code.

3. The allegation against this petitioner is to administer poisonous substance to informant through food.

4. Learned counsel appearing on behalf of the petitioner submitted that there is a difference between statement of injured/victim, who authored himself FIR *qua* his re-statement as recorded during the investigation. It is pointed out that as per FIR, symptoms developed inside home, whereas as



per re-statement, the symptoms developed while he was going to market. It is further submitted that no such food, through which the poisonous substance alleged to be administered, was seized during the investigation to connect with allegation. It is further submitted that informant is the step son and out of property dispute, petitioner was falsely implicated with present case. It is also submitted that the finding of doctor regarding *celphos* poisoning is without any forensic laboratory report, which clearly suggests manipulations on the part of informant. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing for the informant, while opposing the prayer of bail submitted that allegation to administer poisonous substance is specifically against this petitioner.

6. Considering the aforesaid facts and circumstances as opinion of doctor regarding *celphos* poisoning is without any forensic laboratory report/scientific report, coupled with the fact that petitioner is a lady of clean antecedent, accordingly, the above named petitioner, in the event of her arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya/concerned Court, where the case is pending in connection with Alipur P.S. Case No. 01 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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