

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73467 of 2023

Arising Out of PS. Case No.-364 Year-2004 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Upendra Ram @ Upendar Ram S/O Madan Ram Village- Gidha, Ps.
Phulwariya, Dist. Gopalganj, At Present Resident Of At Purani Chowk,
Gopalganj, Ps. Gopalganj Town, Dist. Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 72924 of 2023

Arising Out of PS. Case No.-364 Year-2004 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Ravindra Ram Son of Madan Ram R/O Village- Gidha, P.S.- Phulwariya,
District- Gopalganj, At Present Resident of At- Purani Chowk, Gopalganj,
P.S.- Gopalganj Town, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73467 of 2023)

For the Petitioner/s : Mr.Javed Aslam, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 72924 of 2023)

For the Petitioner/s : Mr.Javed Aslam, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

6 15-03-2024 Heard learned counsel for the petitioners and learned
APP for the State in both the cases.

2. The petitioners seek bail in connection with
Gopalganj P.S. Case No. 364 of 2004 instituted for the offences



under Sections 302, 328/34 of the Indian Penal Code.

3. Allegation has been made against the petitioners along with co-accused persons of administering poison to the Informant's Deyadin Lalmati Devi who died in course of treatment.

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. Learned counsel for the petitioners further submits that the date of occurrence is 05.11.2024 but, the complaint has been filed on 11.11.2004 i.e. after more than five days from the date of occurrence which falsifies the prosecution case. He further submits that there is no specific and direct allegation of any overt act against the petitioners. He further submits that the specific allegation of administration of poison to the deceased is against co-accused Biresh Ram who has been acquitted by the learned trial court. He further submits that the specific allegation of establishing physical relationship with the deceased is on Rajesh Ram who has also been acquitted by the trial court itself. There is no eye-witness to the alleged occurrence. The petitioner/Upendra Ram has no criminal antecedent whereas petitioner/Ravindra Ram has one criminal antecedent in which



he is on bail as has been stated in paragraph no.3 of the present bail applications. The petitioner/Upendra Ram is languishing in judicial custody since 30.05.2023 whereas the petitioner/Ravindra Ram is in custody since 20.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners stating that in the Viscera report, the expert has opined that *Aluminum Phosphide* was detected. He further submits that the Informant and several witnesses have fully supported the prosecution case. In para- 19 and 22, there is mentioning of inquest report and postmortem report which also supports the prosecution case and, thus, the petitioners do not deserve bail.

6. Pursuant to the direction of this Court, the court below has sent its report dated 16.02.2024 stating therein that the trial is likely to be concluded within six months.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also keeping in view of serious nature of offence, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously



preferably within a period of six months from today.

9. If the trial is not concluded within the aforesaid period of six months, the petitioners will be at liberty to renew their prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

rishi/-

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

