

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79111 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- NEMDARGANJ District- Nawada

Raju Yadav, Son Of Naro Prasad @ Naresh Prasad @ Naresh Yadav Resident
Of Village - Mastanganj, P.S. - Nemdarganj, District - Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 18-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner, being husband, has been falsely implicated in the
instant case by the informant, who is father of the deceased. It is
further submitted that a supplementary affidavit has been filed
wherein it has been specifically pleaded that age of the
petitioner is 35 years. It is next submitted that inadvertently, in
the anticipatory bail application, the age of the petitioner was
recorded as 24 years. It is next submitted that marriage of the
petitioner with the deceased had taken place 15 years back and



out of the wedlock, three children were born. It is also submitted that from perusal of the viscera report, it would manifest that the same records:- *On Chemical examination, 'ALUMINIUM PHOSPHIDE' was detected in the contents of exhibits marked 'A₁' and 'A₂' as described above.*

Aluminium Phosphide commercially known as 'CELPHOS' is a severe gastro intestinal irritant. It is used as a grain preservative and is highly poisonous.

4. It is submitted that marriage was 15 years old and in between these 15 years, no case came to be instituted either by the deceased or the informant alleging torture. It is next submitted that no doubt, from the viscera report, it manifests that the deceased had consumed Celphos, but then, the same was not administered by the petitioner. It is further submitted that on the alleged date of occurrence, a dispute had arisen in between the petitioner and the deceased and the deceased, out of anger in absence of the petitioner, consumed Celphos. It is next submitted that petitioner has three children to look after and informant based on suspicion has implicated him. The petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IInd, Nawada in connection with Nemdarganj P. S. Case No.87 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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