

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32966 of 2025

Arising Out of PS. Case No.-348 Year-2023 Thana- KORHA District- Katihar

Bitka Hembram @ Birka Hembram S/o- Babulal Hembram Resident of
village- Hejra Hijra Milik Ward No 1, PS-Korha District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner makes a prayer for grant of regular
bail in a case registered for the offences punishable under
Sections 328 and 302 of the Indian Penal Code.

3. The allegation in the FIR, is that the informant's
son had gone along with the petitioner on 27.08.2023 and
thereafter, on the same night at 9.p.m, when the informant went
out of the house, he found his son groaning in pain. It is alleged
that he took his son, with the help of his family, to one Sibu Sah,
who was an exorcist (*ojha*) and he informed the informant that
his son has died. The informant has raised a suspicion in the FIR
that the death of his son has been caused on account of poison
being administered to him by the petitioner.



4. Learned counsel for the petitioner submits at the outset, that the FIR has been lodged after inordinate delay of about nine days inasmuch as the occurrence happened on 27.08.2023, whereas the matter was reported on 05.09.2023 and no explanation, much less plausible has been tendered by the informant with respect to the same. It would further appear from the FIR that the deceased was very much present at his home from where, the informant had taken him to an exorcist (*ojha*) for treatment and till that time neither any FIR was lodged nor any suspicion was raised against the present petitioner. It is an admitted fact in the FIR that the police was informed and the post mortem of the deceased was also done on 28.8.2023 in which no external injury was found on the person of the deceased. Subsequently, it appears from the order rejecting bail that the viscera report disclosed the presence of a poisonous substance “DICHLORVOS” which is a pesticide used for killing pests and it is poisonous substance. There is no motive alleged as to why the petitioner would administer poison to the deceased and moreover, no suspicion had ever been raised against the petitioner for causing the death of the deceased.

5. The learned APP opposes the prayer for bail.

6. Taking into consideration the delay caused in the



institution of the FIR along with other factors and also considering that the petitioner is in custody since 24.01.2025 without any criminal antecedent, let the above named petitioner shall be enlarged on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Korha P.S. Case No. 348 of 2023.

(Soni Shrivastava, J)

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