

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35730 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -SAMASTIPUR District- SAMASTIPUR

1. Raju Choudhary son of Late Ram Chandra Choudhary @ Ram Choudhary
2. Onkar Sangam @ Samir Choudhary, son of Sri Raju Choudhary,
Both are residents of village- Paghari, P.S.- Baheri, District- Darbhanga
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.38669 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -SAMASTIPUR District- SAMASTIPUR

Om Prakash Sangam @ Gunjan Choudhary, son of Sri Raju Choudhary.
resident of Village- Paghari, P.S.- Baheri, District- Darbhanga.
.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

(In Cr.Misc. No.35730 of 2015)

For the Petitioner/s : Mr. Manish Kumar No. 13, Advocate.
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

(In Cr.Misc. No.38669 of 2015)

For the Petitioner/s : Mr. Manish Kumar No. 13, Advocate.
For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-11-2015 Heard both sides.

Petitioners in Cr. Misc. No. 35730/2015, namely,
Raju Choudhary and Onkar Sangam @ Samir Choudhary, and
petitioner in Cr. Misc. No. 38669/2015, namely, Om prakash
Sangam @ Gunjan Choudhary, apprehend their arrest in a case
under Sections 304(B), 328, 120(B) of the Indian Penal Code.



The mother of the deceased made allegation that her daughter had gone to attend the matrimonial suit pending in the Civil Court, Samastipur which was filed by her husband. The deceased daughter of the informant disclosed that the husband, father-in-law and brother-in-law of the deceased offered her sweets and water on the pretext of taking her to their house but, after taking the sweets and water, she fell ill and started vomiting. The informant brought her to hospital where her daughter died.

Learned counsel for the petitioners submits that there is absolutely no evidence to show that the petitioners served any sweet or water mixed with poison to the informant. The deceased had earlier filed Laheriasarai P.S. Case No. 437 of 2011 under Section 498A and other sections of the Indian Penal Code but the police found the allegations false and submitted final form finding the case false. Thereafter, the court, on protest, took cognizance against the petitioners. The informant also filed Ashok Paper Mill P.S. Case No. 119/2011 against Raju Choudhary (petitioner no. 1 in Cr. Misc. No. 35730/2015) and others under Section 354 and other sections of the Indian Penal Code. The wife again filed a maintenance case being M.R. No. 106/2012 in the Family Court, Darbhanga for her maintenance. Raju Choudhary, the father-in-law of the deceased, also filed a complaint case being C.R. No.

1382/2011 in the court of the learned Chief Judicial Magistrate, Darbhanga against the deceased that his daughter-in-law solemnized second marriage in a temple and, on such complaint, the court took cognizance under Section 494 of the Indian Penal Code against the petitioners. The deceased filed a petition for litigation cost but the same was rejected on the ground that the deceased was said to have solemnized the second marriage. The order taking cognizance under Section 494 IPC was also set aside as the said complaint petition was filed by the father and not by the husband of the deceased. It is submitted that there is no evidence on record; even the post-mortem has not been brought on record.

Considering the fact that there is specific allegation that all the three petitioners, who are father-in-law, brother-in-law and husband of the deceased, offered sweets and water mixed with poison and from perusal of the inquest report, it appears that the deceased died due to poisoning, I am not inclined to enlarge the above named petitioners on anticipatory bail in Samastipur Town P.S. Case No. 26 of 2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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