

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31767 of 2015

Arising Out of PS.Case No. -214 Year- 2015 Thana -KHAZANIHAT District- PURNIA

=====

Md. Imtiyaz @ Md. Imtiyaz Alam S/o Late Hazi Mahmood

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anurag Saurav, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323, 328 and 302/34 of the Indian Penal Code.

It is alleged that on 27.03.2015, the son of the informant, namely, Md. Lal was assaulted by the petitioner and co-accused Md. Amzad by fists and slaps and, thereafter, the son of the informant was administered poison through food, who subsequently, died on 29.03.2015 at 03:00 P.M.

It is submitted by learned counsel for the petitioner that admittedly the victim was admitted to the private clinic of Dr. Arvind Kumar and was later referred to the Katihar Medical College. There is nothing on record that Dr. Arvind Kumar was suggested by the informant or any attendant of the victim that he

was being assaulted and administered poison. Subsequently, Dr. Arvind Kumar has also lodged an FIR against the informant's side for creating nuisance in his clinic. The post-mortem does not reflect any injury particularly the resisting injury. The cause of death has not been ascertained by the doctor, who conducted the post-mortem. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the facts that accusation of assault or administering poison are not corroborated by the medical opinion, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Hat. P.S. Case No.214 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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