

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45536 of 2015

Arising out of PS.Case No. -156 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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1. Birbal Prasad, S/o Late Chandeshwar Prasad.
 2. Mano Devi, W/o - Birbal Prasad. Both residents of Laxmanpur, P.S. - Bakhtiyarpur, District - Patna.
 3. Ram Udeshya Prasad, S/o - China Prasad. resident of Village - Lodipur, P.S. - Khusrupur, District - Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dr. Rajesh Kumar Singh, Advocate.

For the Opposite Party : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 02-02-2016 Heard learned counsels for the petitioners, informant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Bakhtiyarpur P.S. Case No. 156 of 2015(G.R. No. 1085 of 2015) for the offences instituted under Sections 498(A), 323, 341, 504/34 of the IPC and ¾ of the D. P. Act.

The prosecution story, in brief, is that Sulekha Devi was married with Nirmal Kumar. According to deceased her husband Nirmal Kumar, Bhaisur Birbal Prasad mother in-law Devi, brother-in-law Ram Udesh and wife of Birbal Prasad were demanding Rs. 5 Lakh and due to non-fulfilment of demand on 19.06.2015 they administered 250 ml poison and they thrashed her on the ground. Birbal Pd. caught her hand. Mother-in-law opened her mouth and other accused Bahanoi caught her leg and her

husband administered her poison. So she became unconscious. She was admitted in Shiwam Hospital, Patna, where treatment was going on.

A supplementary affidavit has been filed on behalf of the petitioners, let it be kept on the record. It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. As per prosecution, petitioner no. 1 is the brother of the husband of the deceased, petitioner no. 2 is Jethani of the deceased, petitioner no. 3 is Nandoi of the deceased. They are separate in mess and property from the husband of the deceased.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioners are named in the F.I.R. and the F.I.R. is the dying declaration of the deceased where she has specifically alleged against the petitioners in crime of administering poison to the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected.

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(Sudhir Singh, J)