

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36127 of 2016

Arising Out of PS.Case No. -21 Year- 2016 Thana -NAWAKOTHI District- BEGUSARAI

- =====
1. Ram Kumar Mahton Son of late Ram Kishun Mahto
 2. Bipin Kumar Son of Ram Kumar Mahton both are resident of village-
Chaka, P.S.- Nawakothi, District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 25-10-2016 Heard the counsel for the petitioners and the Informant.

As prayed by Mr. Pritish Kumar Lal, the counsel for the petitioners, let appropriate correction(s) be made in paragraph 1 of the bail petition in course of the day.

The petitioners apprehending their arrest in Nawakothi P.S. Case No. 21 of 2016 registered under Sections 498(A)/302/328/307/323/341/504/506/337/338/34 of the Indian Penal Code have prayed for anticipatory bail.

A suspicion has been raised by the informant who is the daughter in-law of the petitioner no. 1 and wife of the petitioner no. 2 that her son was poisoned to death by her in-law's. The allegation is that she was provided an apple by the grand-mother

and the Bua and after consumption thereof, the condition of her son deteriorated, whereafter all family members carried him to the Nursing Hospital, where he was declared dead.

Contention of the petitioners is that merely on suspicion the allegations have been levelled. The informant is still living in the house. The petitioner no. 1 being the father in law deserves anticipatory bail on account of his old age. He too had gone along with informant to the Nursing Hospital.

Learned APP opposed the prayer and submits that the petitioners are allegedly responsible for causing death of the minor son of the informant. Another co-accused namely, Samri Devi has been granted regular bail by the court below.

Considering the fact that petitioner no. 1 (Ram Kumar Mahton) is fairly old person, I extended him the privilege of anticipatory bail.

So far as the petitioner no. 2 (Bipin Kumar) is concerned, his prayer for bail is rejected.

Let the petitioner no. 1 (Ram Kumar Mahton), in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sri Vineet Kumar Singh, Judicial Magistrate, 1st Class, Begusarai Nawakothi P.S.

Case No. 21 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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