

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6817 of 2016

Arising Out of PS.Case No. -871 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Jag Narayan Choudhary S/o late Jagdish Choudhary
 2. Uday Choudhary S/o late Jagdish Choudhary
- Both are Resident of MOhalla- Lakhisarai, P.s Sasaram Nagar, District
Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Uma Ranui Soaie W/o late Madan Mohan@Baby Babu Ro Vill-Takia,
P.S. Sasaram(town), Distt- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Subash Chandra Mishra (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 15-02-2016

Heard learned counsels for the petitioners,

State and the complainant.

The petitioners are apprehending their arrest in a protest –cum- complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is that on 14.04.2003 at 8.00 A.M. in the morning the informant's husband came home from where and started vomiting then he was taken to Sadar Hospital, Sasaram but during treatment he died. The complainant suspected that someone gave poison to him. It is

alleged that the petitioners took the victim at 7.00 A.M. in the morning, hence, the suspicion was raised against the petitioners.

It is submitted by learned counsel for the petitioners that on conclusion of the investigation the petitioners were not sent up for trial. Final form was submitted on 03.06.2012 and it was accepted, but subsequently on protest – cum- complaint cognizance was taken on 01.10.2015. It is further submitted that accusation is based on suspicion.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the complainant that the petitioners administered poison through breakfast offered by them at their residence on the alleged date of occurrence but admits that such accusation was not levelled in the first information report, but the same has been stated by the complainant during enquiry under Section 202 Cr.P.C.

Considering the fact that in the First Information Report the accusation was levelled on the basis of suspicion when on conclusion of the investigation the accusation was not found true and a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be

released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Rohtas at Sasaram in connection with Complaint Case No. 871 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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