

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17670 of 2017

Arising Out of PS.Case No. -224 Year- 2016 Thana -BAKHRI District- BEGUSARAI

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1. Amit Kumar Poddar @ Amit Poddar, Son of Parduman Poddar,
 2. Chandra Poddar @ Chandan Kumar Poddar @ Chand Poddar, Son of Parduman Poddar,
 3. Ravi Poddar @ Ravi Kumar, Son of Parduman Poddar, All residents of Village- Bakhari Bazar, P.S.- Bakhari, District- Begusarai.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 31-08-2017

Heard learned counsel for the petitioners and the learned

A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bakhari P.S. Case no. 224 of 2016, registered under Sections 302 and 201/34 of the Indian Penal Code.

The allegation of informant Priyanka Devi is that due to taking liquor by her husband Saheb Poddar, her father-in-law Parduman Poddar used to scold her husband. On 28/29.10.2016, in the night, altercation took place in between her husband Saheb Poddar and father-in-law Praduman Poddar and her father-in-law told her husband to desert her. Thereafter, her husband was taken somewhere. Later on, she came to know that her husband was taken by the petitioners and her father-in-law at the clinic of Dr. R.D. Sahu from where her



husband was taken to Begusarai. At that time, she was locked in the room, but anyhow on raising alarm she was set free. The informant raised suspicion about killing of her husband by her brother-in-laws and father-in-law.

Learned counsel for the petitioners submits that the petitioners are brother-in-law of informant. In fact, Saheb Poddar, husband of the informant, was a habitual drinker, while he was advised not to take liquor by the Doctor, but on 28.10.2016 husband of the informant consumed excess liquor and he became serious. Thereafter, he was brought to Dr. R.D. Sahu and then to Begusarai for treatment, but Saheb Poddar, husband of the informant, died in the way. Thereafter, funeral of husband of the informant was performed, but due to ulterior motive Myaka people of the informant managed to lodge this case after taking her signature. Further submission is that the witnesses in paragraph Nos. 13, 14, 15 and 17 have also stated about consuming of excess liquor by husband of the informant despite of advice of Doctor to not consume liquor. They also stated that due to consuming liquor the husband of informant become serious and he was rushed to hospital, but he died in the way, thereafter, his funeral was performed. Further submission is that in paragraph 34 of the case diary, the informant herself admitted the said facts in her re-statement.

Learned A.P.P. fairly conceded that informant in paragraph 34 of the case diary stated about death of her husband due to consuming of excess liquor.



Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Begusarai in connection with Bakhari P.S. Case No. 224 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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