

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14661 of 2017

Arising Out of PS.Case No. -163 Year- 2016 Thana -BELA District- SITAMARHI

- =====
1. Md. Mahmood S/o Md. Washin
 2. Musharat Khatoon W/o Mohammad Naseem Both are resident of Village-Manpaur, P.S. Bela District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 10-07-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bela P.S. Case no. 163 of 2016 registered under Sections 302 and 120B/34 of the Indian Penal Code.

The allegation of informant Farhat Khatton is that she used to reside with her father-in-law Md. Mahmood (Petitioner No.1) and co-wife Mushrat Khatoon (Petitioner No.2). The daughter of informant Nuzhat Khatton, aged about 4 years, was ill then petitioner No.1 gave the medicine, which was administered by her to her daughter and she was well. Thereafter, at about 2.00 P.M. her daughter started screaming, then she proceeded for treatment of her daughter, but she died in the way. When informant returned to her house then she found her father-in-law and co-wife left the house. When she



enquired about the medicine then found spurious smell in the bottle, which was given to her by the petitioner No.1.

Learned counsel for the petitioners submits that only suspicion has been raised by the informant about giving spurious medicine by the petitioners to her for administer to her ill minor daughter.

On the other hand, learned A.P.P., while opposing the prayer of anticipatory bail, but conceded that only suspicion has been raised regarding giving of spurious medicine by the petitioners.

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 Chief Judicial Magistrate, Sitamarhi in connection with Bela P.S. Case No. 163 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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