

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36445 of 2019

Arising Out of PS. Case No.-63 Year-2017 Thana- BARABAR TOURIST District- Jehanabad

Gaya Mistri, Son of Sri Shyam Mistri Resident of Village- Dharaut, P.S.-
Barabar Paryatan (Bishunganj), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Barabar Paryatah (Bishunganj O.P.) P.S. Case No.63 of 2017 for the
offence punishable under Sections 302, 34 of the Indian Penal
Code.

The allegation against the petitioner, as mentioned in the
FIR is that on the date of occurrence,i.e., on 17.10.2017 at about
9:00 A.M. FIR named accused persons had arrived at the house of
the informant and taken her husband from his house. It has further
been alleged that about 11:00 A.M., the informant came to know
that all the accused persons have administered poison, liquor
forcibly to her husband at the door of Gaya Mistri and due to this,
he died. It has also been alleged that her husband was also
assaulted by lathi, slaps by accused persons.

Learned counsel appearing for the petitioner submits that



petitioner has falsely been implicated in this case due to land dispute. Learned counsel further submits that petitioner resides at Patna and was having no knowledge about the occurrence and he has been dragged in this case with oblique motive,

Learned counsel further submits that during investigation, it has come to light that deceased has died due to a poison namely, Salfas. Learned counsel further submits that it is highly improbably that the petitioner has forcibly administered Salfas in the mouth of the deceased.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner is named in the FIR and the wife of the deceased has stated specifically that petitioner had come to the residence of the deceased and taken him from his residence and within two hours, he was found dead, accordingly, I am not inclined to grant anticipatory bail to the petitioner and the same is hereby rejected.

(Anil Kumar Sinha, J)

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