

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37464 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- NAVINAGAR District- Aurangabad

1. SHANKAR PRAJAPATI Son of jagdish Prajapati Resident of Village - Tetariya, P.S.- Nabinagar, Dist.- Aurangabad.
2. Ranjeet Prajapati Son of Shankar Prajapati Resident of Village - Tetariya, P.S.- Nabinagar, Dist.- Aurangabad.
3. Sanjit Prajapati Son of Shankar Prajapati Resident of Village - Tetariya, P.S.- Nabinagar, Dist.- Aurangabad.
4. Pradip Prajapati Son of Shankar Prajapati Resident of Village - Tetariya, P.S.- Nabinagar, Dist.- Aurangabad.
5. Shanti Devi W/o Shankar Prajapati Resident of Village - Tetariya, P.S.- Nabinagar, Dist.- Aurangabad.
6. Dharmendra Paswan Son of Bhuneshwar Paswan Resident of Village - Tetariya, P.S.- Nabinagar, Dist.- Aurangabad.
7. Jagdish Prajapati Son of Sukhlal Prajapati Resident of Village - Tetariya, P.S.- Nabinagar, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-09-2019 Petitioners seek bail in anticipation of their arrest in connection with Nabinagar P.S. Case No. 40 of 2019 registered for the offences punishable under Sections 328, 302 and 34 of the Indian Penal Code.

Prosecution story is that husband of the informant had gone to the house of petitioner No.1 and after his return from there he started vomiting and he was taken to hospital where he



died and it is alleged that accused persons administered poisonous substance to him due to land dispute.

Submission of learned counsel for the petitioners is that whole family members have been made accused in this case and no specific allegation has been attributed against any of the petitioners, whereas petitioner No.5 is lady and petitioner No.7 is aged 93 years.

Heard learned APP and perused the viscera report from which it appears that Aluminium phosphide was detected in the content which is highly poisonous.

In view of above facts and circumstances, let petitioner Nos. 5 and 7, in the event of arrest or surrender, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Aurangabad, in connection with Nabinagar P.S. Case No. 40 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioners shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned.

So far petitioner Nos. 1 to 4 and 6 are concerned, in



the facts and circumstances, their prayer for anticipatory bail is rejected.

Accordingly, this application is disposed of.

Let the viscera report be sent back to FSL so that the same may be produced in the court below.

(Vinod Kumar Sinha, J)

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