

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51251 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- GHOSI District- Jehanabad

1. Shiv Lal Bind, aged about 45 years (male), Son of Late Siya Sharan Bind, Resident of Village - Khirouti Garh, P.S.- Ghoshi, District- Jehanabad.
2. Bebi Devi, aged about 44 years (female), Wife of Shiv Lal Bind, Resident of Village - Khirouti Garh, P.S.- Ghoshi, District- Jehanabad.
3. Suraj Bind @ Suraj Kumar, aged about 19 years (M), Son of Shiv Lal Bind, Resident of Village - Khirouti Garh, P.S.- Ghoshi, District- Jehanabad.
4. Ramdahin Devi aged about 65 years (female), Wife of Late Siyasharan Bind, Resident of Village - Khirouti Garh, P.S.- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Ghoshi P.S. Case No. 59 of 2019 registered under sections 304, 328, 34 of the IPC.

The allegation against the petitioners is that petitioners assaulted the mother of the informant and administered poison leading to death of the mother of the informant.

Mr. Anil Kumar Singh, learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case due to family dispute inasmuch as the petitioners are close relative of the deceased and informant and the



petitioner no. 1 is the elder brother of the deceased husband and the petitioner no. 2 is wife of the petitioner no.1 and the petitioner no. 3 is son of the petitioners no. 1 and 2 and the petitioner no. 4 is mother-in-law of deceased. Learned counsel further submits that there is no eye-witness to the occurrence and from perusal of the first information report, it would be evident that prior to the death of the deceased there was a minor scuffle between the family members and thereafter according to the version of the informant, informant went to school and when she came back she found that her mother was lying on the floor and during course of the treatment she has died.

On the other hand, Mr. Shivendra Prasad, learned counsel appearing for the informant vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation that the accused persons have administered poison to the deceased leading to her death and from report of FSL, it has come to light that the poison celphos was found in the body of the deceased.

Learned counsel appearing for the petitioners submits that in the supervision note, the DSP has categorically stated that the petitioner no. 3 was working at Bombay for the last six months and learned counsel further submits that the petitioner no. 4 is old lady and mother-in-law of the deceased.



Having regard to the submissions made by the parties and taking into consideration the facts and circumstances involved in the case, I am not inclined to grant anticipatory bail to petitioners no. 1 and 2.

However, taking into consideration the fact that in the supervision note, the police has come to the conclusion that the petitioner no. 3 was working at Bombay on the date of occurrence and the petitioner no. 4 is own mother-in-law of the deceased, I am inclined to grant anticipatory bail to both the petitioners no. 3 and 4.

Accordingly, the petitioners no. 3 and 4, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Judge Ist. Jehanabad, in connection with Ghoshi P.S. Case No. 59 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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