

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50758 of 2019**

Arising Out of PS. Case No.-302 Year-2009 Thana- GAIGHAT District- Muzaffarpur

1. RAM EQBAL SINGH S/o Late Chatarbhuji Singh R/o Village- Dhobauli, P.S.- Gaighat, Distt.- Muzaffarpur
2. Sanjay Kumar Singh @ Sanjay Singh @ Munna Singh S/o Ram Eqlal Singh R/o village- Dhobauli, P.S.- Gaighat, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                     |
|--------------------------|---|-----------------------------------------------------|
| For the Petitioner/s     | : | Mr. Dilip Kumar Singh<br>Mr. Kumar Dwijendra Pratap |
| For the Opposite Party/s | : | Mr. Prem Kumar Jha                                  |
| For O. P. No. 2          | : | Mr. Alok Kumar Alok                                 |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      19-08-2019                      Heard learned Counsel for the petitioners, learned Counsel for the informant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Gaighat Police Station Case No. 302 of 2009, disclosing offences under Sections 302/328/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners had called the husband of the informant (now, deceased) at their home for having a talk of compromise and there the petitioners served a drink to the deceased and due to which, the deceased died. It has further been alleged that the petitioner, on the pretext of



compromise, administered poison in the drink of the deceased.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged. He further submits that the deceased had criminal antecedents and there were two cases pending against him and the petitioners have been dragged in this case in order to extort money from them. He further submits that the police, after investigation, has submitted final form, not sending the petitioners for trial. However, the learned Magistrate has differed with the final report and has taken cognizance against the petitioners.

On the other hand, learned Counsel appearing on behalf of the Opposite Party No. 2 vehemently opposed the prayer of anticipatory bail and submits that in the viscera report, endosulfan, a poisonous material, was found in the body of the deceased and the statement of the informant is corroborated by the viscera report. He further submits that some independent witnesses have also stated that the petitioners were indulged in the killing of the deceased..

After having heard learned Counsel for the parties and taking into consideration the fact that the police, after investigation, has submitted final form, not sending the



petitioners for trial, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Gaighat Police Station Case No. 302 of 2009, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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