

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58367 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- HARSIDHI District- East Champaran

1. SUSMITA KUMARI D/o Indradeo Paswan Resident of Village- Ujjain Lohiyar Math, Paswan Tola, Police Station- Harsidhi, District- East Champaran.
2. Binoy Paswan @ Binoy Kumar Paswan Son of Pannalal Paswan Resident of Village- Chandi Sthan, Police Station- Gobindganj, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon
For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-11-2019 The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No. 65/2019 registered under Sections 302 and 328/34 of the Indian Penal Code.

The allegation against the petitioners as per the First Information Report is that the brother of the informant i.e., deceased was married to petitioner no. 1 and petitioner no. 2 is the brother-in-law of petitioner no. 1. It has further been alleged that petitioner no. 1 was residing in his matrimonial home and the deceased Sinod Paswan had gone to his *sasural* for *bidai* of his wife i.e., petitioner no. 1. It has been alleged that when deceased had visited his wife Susmita Kumari who was living with her brother at Motihari, he was administered poison by the



petitioners and other co-accused.

Mr. Dilip Kumar Tandon, learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as the deceased had fallen ill due to some reason and he was admitted before the doctor for treatment and during course of treatment he died. Learned counsel further submits that in paragraph 26 of the case diary, the independent witnesses have stated that petitioner no. 1 was not willing to accompany her husband to her matrimonial home and due to which the deceased had consumed poison and was treated by the doctor and during course of treatment he died. From the post mortem report, it appears that the cause of death of the deceased was not very clear.

Having regard to the submissions made by the parties and taking into consideration the fact that the petitioner no. 1 was wife of deceased and petitioner no. 2 was brother-in-law of the deceased and witnesses have stated that deceased had consumed poison and died during course of treatment, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the Court below within a period of four weeks from the date of receipt of a copy of this order, be



released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 65/2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Ranjeet/-

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