

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 972 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- RAUSHANGANJ District- Gaya

Sarwar Hussain @ Sarwar (aged about 27 Years. Gender-Male), Son of
Anwar Mian, Resident of Village - Uchala, P.S.- Raushanganj, District -
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 19-03-2020

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Raushanganj PS Case No. 129 of 2019 dated 10.07.2019 instituted
under Sections 302/328 of the Indian Penal Code.

3. The allegation against the petitioner is that he had
mixed poisonous substance in the toddy which was consumed by
the deceased, who was the husband of the informant.

4. Learned counsel for the petitioner submitted that the
informant, who is wife of the deceased, herself has been made
accused and has been granted bail by a co-ordinate Bench on
11.12.2019 in Cr. Misc. No. 71391 of 2019 (Rinki Devi vs. State



of Bihar). It was submitted that the petitioner was also the person who took the deceased to the hospital and in fact, he was called to the house to settle the difference between the husband and the wife. Learned counsel submitted that the allegation against the petitioner and Rinki Devi (informant) is identical and he has no other criminal antecedent and is in custody since 02.08.2019.

5. Learned APP, from the case diary, submitted that the allegation against the petitioner is of having administered poisonous toddy to the deceased. However, he was not in a position to controvert the fact that the informant herself has been made accused and the allegation against the informant and the petitioner is identical.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati, Gaya in Raushanganj PS Case No. 129 of 2019. One of the bailors shall be a close relative of the petitioner. One of the bailors shall be a close relative of the petitioner. The petitioner shall cooperate in the trial and be present before the Court on each and



every date. Failure to do so on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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