

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8336 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

1. NIRMALA DEVI W/o Late Jhal Singh @ Jhalar Singh R/o village-Hariharpur Kala, P.S.- Goreakothi, District- Siwan
2. Santosh Kumar Singh S/o Late Jhal Singh @ Jhalar Singh R/o village-Hariharpur Kala, P.S.- Goreakothi, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned Senior counsel appearing for the petitioners, Shri Ramakant Sharma and Shri Ganesh Prasad Singh, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection with Mohammadpur P.S. Case No. 32 of 2019 for the offence punishable under Sections 328, 307/34 of the Indian Penal Code.

The case of the prosecution in brief is that on the



pretext of providing medicine, the accused persons including the petitioners herein had poisoned the informant, who happens to be the wife of one Mukesh Kumar Singh, on account of which she felt sickness and started vomiting, whereafter she was taken to hospital.

The learned senior counsel for the petitioners has submitted that the petitioner no. 1 is the mother-in-law and the petitioner no.2 is elder brother of the husband of the victim lady (informant). It is submitted that the petitioners have got nothing to do with the informant or her husband who are living separately and, in fact, they have been falsely implicated in the present case. Nonetheless, the learned senior counsel appearing for the petitioners has submitted that the petitioners may be granted the privilege of anticipatory bail, subject to production of surrender certificate of the husband of the victim lady before the learned court below within a period of three weeks from today.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

This Court finds from the record that the petitioners had approached this Court earlier for grant of anticipatory bail and the same was disposed of by a co-ordinate



Bench of this Court vide order dated 15.10.2019 passed in Cr. Misc. No. 62153 of 2019, considering the fact that the parties have compromised their dispute, however, the petitioners were directed to appear in the court below on the stipulated date along with the informant, whereupon the learned court below was directed to verify about the factum of compromise and, in fact, the learned court below was directed to release the petitioner on bail, after verification of the factum of compromise. It appears that the factum of compromise was not found true, whereafter, the petitioners had again approached this Court by filing a petition bearing Cr. Misc. No. 77417 of 2019 in the aforesaid Cr. Misc. No. 62153 of 2019, however, no relief was granted to the petitioners and they were granted liberty to file a fresh petition explaining the change in circumstances. Now, the petitioners have again approached this Court, after their anticipatory bail has been rejected by the learned court below by the impugned order dated 06.01.2020.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior counsel appearing for the petitioners and taking into account the materials available on record, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, subject to



them ensuring surrender of the husband of the victim lady before the learned court below within a period of three weeks from today and producing the proof of the surrender of the husband of the victim lady before the learned court of A.C.J.M.- I, Gopalganj in connection with Mohammadpur P.S. Case No. 32 of 2019, as also subject to such conditions as may be deemed fit and proper to be imposed by the learned court below

It is needless to state that in case the petitioners do not surrender before the learned court below and produce surrender certificate of the husband of the victim lady within a period of three weeks from today, the instant privilege of anticipatory bail being extended to them shall stand revoked automatically and the petitioners shall be liable to be taken into custody forthwith.

The petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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