

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.841 of 2020

Arising Out of PS. Case No.-114 Year-2016 Thana- DIGHALBANK District- Kishanganj

=====

Jiwan Lal @ Dahalu Harizan @ Dahalu Lal Harizan, aged about 35 years,
Sex-Male, Son of Late Sharan Lal Harizan, Resident of Village - Dubri,
Police Station - Dighal Bank, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate
For the State : Mr.Humayu Ahmad Khan, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 25-02-2020 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Dighal-Bank P.S. Case No. 114 of 2016 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

The prosecution story in short, is that on 27.1.2016 at
about 5.30 a.m. informant got message by his son-in-law
namely Deepak Kumar that his youngest daughter Sukho Devi
has died. On the information, information along with his family
members reached the spot and saw that his daughter is lying
dead. On query about the death of his daughter, the F.I.R. named
accused persons began to abuse and ready for assaulting.



Informant's daughter was married with Jiwan Lal Harizan before six years and after marriage, all the accused-persons started causing harassment and hurt with his daughter. It is further alleged that on 26/27-11-2016, all the accused persons have committed murder of Sukho Devi by administering poison to her in the name of medicine.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has not committed any offence. Entire allegation is false, fabricated and concocted. There is no involvement of the petitioner in the so-called commission of murder. He further submits that the police has submitted final form against the petitioner (Annexure-4), but the court below has taken cognizance against the accused persons. Learned counsel for the petitioner further submits that similarly situated accused persons have been granted anticipatory bail by this Co-ordinate Bench of this Court vide order dated 09.09.2019 passed in Cr. Misc. No.56900 of 2019. He further submits that in the viscera report of the daughter of the informant, no Metallic, Alkaloidal, Glucosidal, pesticidal and volatile poison could be detected. On the basis of this, the police has filed the final form against the petitioner.

In the facts and circumstances of the case, let the



above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Kishanganj in connection with Dighal-Bank P.S. Case No. 114 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

