

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31761 of 2020

Arising Out of PS Case No.-31 Year-2019 Thana- ANTICHAK District- Bhagalpur

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1. Binod Prasad Dubey @ Binod Prasad Dubey, Aged about 63 years, Male, Son of Late Girish Chandra Dubey.
 2. Putul Devi, Aged about 58 years, Wife of Binod Prasad Dubey, Female.
 3. Mohit Kumar, aged about 26 years, Male, Son of Binod Prasad Dubey.
All are resident of Village- Bhawanipur, PS- Antichak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 20-02-2021

Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioners and Mr. Nand Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Antichak PS Case No. 31 of 2019 dated 09.08.2019, instituted under Sections 328/34 of the Indian Penal Code.

3. The allegation against the petitioners, along with one more accused, is of having forced the informant to drink a concoction which was mixed with poison.

4. Learned counsel for the petitioners submitted that the petitioner no. 1 is father-in-law; petitioner no. 2 is mother-in-law



and petitioner no. 3 is younger brother of the husband of the informant. It was submitted that the informant and her husband are living separately and despite there being partition they have taken loan from many persons and now wanted the petitioners to further give him land of their share. It was submitted that much earlier petitioner no. 1 had filed an informatory petition before the DIG, Bhagalpur stating out the facts and also pointing out that his son was living with his wife and another sister of the informant and they were trying to exert pressure for parting with their share of the land also. Learned counsel submitted that the allegation itself is unbelievable as there cannot be any question of forcefully trying to make somebody drink and when the husband of the informant is said to have been present, it is totally unbelievable that he would go out and leave the informant alone. It was submitted that earlier also the informant had filed a false case *inter alia* under Section 498A of the Indian Penal Code in which the petitioners have been granted anticipatory bail by the Court below itself.

5. Learned APP submitted that there is allegation of forcefully making the informant drink a poisonous solution.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the



event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM - XIV, Bhagalpur in Antichak PS Case No. 31 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners shall cooperate in the case. Failure to cooperate shall lead to cancellation of their bail bonds.

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

(Ahsanuddin Amanullah, J.)

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