

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31888 of 2020

Arising Out of PS Case No.-368 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

-
1. Lalbabu Prasad, Male, aged about 40 years, Son of Madhu Prasad, Resident of Village Bin Toli, Maksudpur, Ward No. 06, Police Station - Gopalganj, District - Gopalganj.
 2. Rohit Kumar, Male, aged about 18 years, Son of Lalbabu Prasad, Resident of Village Sasamusa Bin Toli, Police Station - Gopalganj, District - Gopalganj.
 3. Janak Prasad, Male aged about 42 years, Son of Late Ram Chandra Prasad, Resident of Village Sasamusa Bin Toli, Police Station - Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 09-03-2021

Heard Mr. Setu Prateek, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Gopalganj Town PS Case No. 368 of 2020 dated 25.06.2020,



instituted under Sections 302 and 328/34 of the Indian Penal Code.

3. The allegation against the petitioners and others is of killing the husband of the informant by administering food mixed with poison.

4. Learned counsel for the petitioners submitted that the parties are agnates and due to an earlier dispute where the petitioner no. 1 had lodged Gopalganj Town PS Case No. 286 of 2019 on 23.05.2020, against the son of the informant and despite the death of the husband of the informant being due to natural causes, the present FIR which has been lodged on 25.06.2020, after one day of the incident has been used to implicate the petitioners so that they get some relief in the case filed by the petitioner no. 1 against the informant side. Learned counsel submitted that in the background of there being a criminal case lodged by the petitioner no. 1 against the son of the informant, there was no occasion for the petitioners to call the deceased and take him to have food with them. It was further submitted that the parties have also later compromised and the informant has filed a formal compromise petition before the Court below stating that due to misconception and wrong advise, she had filed the said case and later she came to know that the accused were totally



innocent. Learned counsel submitted that the petitioners do not have any criminal antecedent.

5. Learned APP submitted that there is allegation of poisoning leading to death of the husband of the informant.

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 Chief Judicial Magistrate, Gopalganj in Gopalganj Town PS Case No. 368 of 2020, 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 co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.



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

(Ahsanuddin Amanullah, J.)

P. Kumar

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