

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34894 of 2020

Arising Out of PS. Case No.-7 Year-2019 Thana- AUANGARI District- Nalanda

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BABLOO KUMAR Son of Harkhit Prasad Resident of Village - Mahuabagh,
P.S. - Aungari, (Pirbigga O.P.), District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-10-2021 Heard Sri Sanjay Kumar, learned counsel for the

petitioner and learned counsel for the informant, Sri Anant

Kumar and Smt. Puspa Sinha, learned APP for the State.

Petitioner seeks anticipatory bail in Aungari (Pir Bigha
O.P.) P.S. Case no. 07 of 2019 registered for the offence
punishable under sections 302 and 328/34 of the Indian Penal
Code.

Learned counsel for the petitioner at the outset submits
that petitioner is person with clean antecedent and from perusal
of the allegation as alleged in the FIR, it would manifest that
the informant has alleged that his daughter Soni Devi was
married with Babloo Kumar about nine years ago and out of the
said wedlock, four children were born and eldest daughter of
Soni Devi (deceased) is about 7 years. Further, son-in-law of the



informant was working outside the State prior to the marriage. Further that on 28.02.2019 Babloo Kumar (petitioner) abused Soni Devi on her mobile and threatened to kill her and also conveyed his mother, father, brother and maternal uncle for killing his wife by poisoning upon which all accused persons gave poison to Soni Devi. It is further alleged that Soni Devi was taken to clinic of Dr. Mahendra Prasad for treatment but she was not admitted. However, Soni Devi was admitted to Jeewan Deep Hospital, Patna where she died during course of her treatment. Accordingly, informant was informed about the same by one Shailesh Kumar that his daughter had consumed poison and accordingly, informant reached Patna and dead body was brought at Pir Bigha O.P.

Learned counsel for the petitioner further submits that petitioner is husband of the deceased and from bare perusal of the allegation as alleged in the FIR, it would manifest that petitioner is not residing at home rather he was working outside the State. Further learned counsel for the petitioner submits that the allegation as alleged in the FIR also clearly shows that victim was taken to a doctor then she was admitted to hospital where she died during the course of treatment. Learned counsel for the petitioner submits that had the petitioner in any manner



would have been instrumental in poisoning the deceased, his family members would not have taken the victim to hospital for treatment.

Learned counsel for the informant does not dispute the fact that she died during the course of treatment.

Learned APP for the State vehemently opposes the prayer for anticipatory bail.

Considering the facts in its totality, in the event of arrest/surrender within ten weeks from today, the petitioner is directed to be released on anticipatory bail on furnishing bail bonds of Rs 5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate I, Hilsa, Nalanda in Aungari (Pir Bigha O.P.) P.S. Case no. 07 of 2019 subject to the condition under section 438(2) Cr.P.C.

(Satyavrat Verma, J)

s.hassan/-

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