

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2137 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- PARWALPUR District- Nalanda

GUDDU KUMAR @ NITISH KUMAR @ Guddu, Son of Siya Saran Mahto,
Resident of Village - Sakora, Police Station - Nagar Nausa, District - Nalanda.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Achintya Anand, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 18-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 328 and 201 of the Indian Penal Code.

According to FIR, one of the sons of the informant telephonically communicated to the informant that wife of the informant is ill. Thereafter, Mr. Nand Kishore Prasad, brother of the informant took to the wife of the informant to Doctor Ram Keshwar Prasad where she died during course of treatment on 10.09.2019. Thereafter, the dead body was disposed of. After disposal of the dead body, the informant raised suspicion against the petitioner that he had assaulted to his wife and served Sulphas (a poison) as a result whereof wife of the informant died.



Submission is that the case diary would reveal that no one claims to have seen the petitioner assaulting the deceased or serving any poisonous substance. Moreover, the petitioner was getting treatment as indoor patient in AIMS on the alleged date of occurrence. The entire allegation was levelled against the petitioner only after voluntarily disposing of the dead body by the informant's side.

Considering the lack of material against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Parwalpur Police Station Case No. 226 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.



(c) The petitioner shall not leave the country without
permission of the trial court.

(Birendra Kumar, J)

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