

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3920 of 2022

Arising Out of PS. Case No.-383 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Rahul Kumar, Son Of Kailash Sah Resident Of Village- Basmanpur Agarwa, P.S.- Muffasil, District- East Champaran.
 2. Sanoj Kumar @ Sanjay Kumar, Son Of Chhatish Sah Resident Of Village- Basmanpur Agarwa, P.S.- Muffasil, District- East Champaran.
 3. Naga Sah @ Rabindra Kumar, Son Of Chhatish Sah Resident Of Village- Basmanpur Agarwa, P.S.- Muffasil, District- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar
For the Opposite Party/s :	Mr. Murli Dhar
	Mr. Bal Govind Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2022 The learned counsel for the petitioner seeks permission to withdraw the present application against petitioner no.1, who was arrested during pendency of the anticipatory bail application.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn as having become infructuous.

Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioner nos.2 and 3 seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 324 and 328/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the



petitioners have antecedent of one case and the informant alleges that on 21.07.2021, she had sent her son to get her money back, which was owed by the petitioner. It is next alleged that the accused persons took her son to a deserted place and where he was made to drink (cold drink) and he became unconscious. It is next alleged that on coming to know, the informant went to the place of occurrence and the victim was taken to the hospital.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that in the F.I.R., it is alleged that the victim was taken to hospital for treatment. It is thus submitted that had it been a case of poisoning, then the hospital would definitely have informed the police, but from perusal of the F.I.R., it would manifest that the fard-bayan was not recorded in the hospital, but came to be instituted based on an application submitted by the informant. The leaned counsel next submits that it absolutely does not stand to reason that had the petitioners committed the occurrence, then they would not have left the victim at the place of occurrence and thus, would have created evidence against themselves as the victim would definitely have disclosed that the petitioners committed such kind of occurrence. It is next submitted that even the medical report does not corroborate the allegation i.e. it does not record any poisonous material was found in the body of the victim.

The learned counsel for the informant as well as learned



A.P.P. opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that no poisonous material was found in the body of the victim and also that why the petitioners would have created evidence against themselves by leaving the victim after committing the occurrence.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Muffasil P. S. Case No.383 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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