

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8533 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- AWTARNAGAR District- Saran

Vikash Kumar, Son Of Gariban Ray Resident Of Village- Bhagwanpur, P.S.-
Awatar Nagar, District- Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 306/
34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 07.01.2021 at about 1.00 P.M., his wife
(deceased) had gone to the market and where petitioner
forcefully administered something poisonous to her after that
when the informant's wife returned, she was in an unconscious
condition. Thereafter, the informant informed his brother-in-law,
who came to whom the deceased informed that it was the
petitioner, who had administered her something intoxicating in a



drink and thereafter, again she became unconscious. It is further alleged that the deceased died on the way to the hospital.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the date of occurrence is 07.01.2021 and the F.I.R. has been instituted on 10.01.2021 i.e. after delay of three days. It is also submitted that it absolutely does not stand to reason that if petitioner had any intention of killing the deceased by poisoning, then why he would have allowed her to go back home and disclosed the same to her family members. It is further submitted that had the petitioner committed the occurrence, then definitely he would not have allowed the deceased to go back home and thus, creating evidence against himself. The learned counsel also submits that though F.I.R. was instituted three days after the occurrence, but the same was sent six days thereafter before the learned trial Court. Hence, it is submitted that it amply demonstrates that the informant with a view to falsely implicate the petitioner by way of after thought instituted the present case.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Awatar Nagar P. S. Case No.12 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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