

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46396 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- PHULWARIYA District- Gopalganj

1. GUDDU KHATIK S/O FULENA KHATIK R/o village- Ram Nagar, P.S.- Bhore, District- Gopalganj
2. Tilak Khatik S/o Manu Khatik R/o village- Magahiya, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Adv.
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-04-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302, 120(B), 201/34 of the Indian Penal Code.

The allegation against the petitioners is that they along with other accused persons have murdered the husband of the informant by giving poison and thrown the dead body in the Sukhnahar canal.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case only on suspicion. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the informant's husband has died due to Corona infection but the informant with an intention to grab the loan amount of the accused persons has lodged this false case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is allegation of murder and from the case-diary, it transpires that in the inquest-report, foamy mouth is mentioned, which shows the poisoning.

Having regard to the facts and circumstances of the case, there is a serious nature of offence, I am not inclined to enlarge the petitioners on bail. The prayer for anticipatory bail to the petitioners named above is rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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