

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54502 of 2021

Arising Out of PS. Case No.-176 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Anil Roy @ Anil Ray Son of Late Mohit Roy Resident of village - Bikrampur
Bande, P.S.- Samastipur Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-11-2022 Heard both sides.

The petitioner apprehends his arrest in connection with Samastipur Muffasil P.S. Case No.176 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that deceased Rinku Devi was married with petitioner. For the last five years, petitioner alongwith other co-accused used to torture and assault the deceased. On 14.04.2021 at about 1.00 P.M., information got information that his sister, i.e., deceased has taken poison. When he reached at the matrimonial house of his sister, he came to know that petitioner alongwith other co-accused has assaulted his sister and forcefully gave poison to her.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the deceased was ill prior to the alleged date of occurrence. The deceased was taken poison herself and petitioner alongwith his family members taken the deceased to Narayan Hospital, Samastipur and during the course of treatment she died. It is further submitted that the informant has filed a petition before the court below stating therein that on account of misunderstanding, he has given the name of the petitioner as an accused. It is also submitted that the son of the petitioner, aged about 14 years, has also filed a petition before the learned Additional District & Sessions Judge, 3rd, Samastipur stating therein that his father (petitioner) is innocent and he alongwith his brother Vikash Kumar, aged about 12 years and his sister, Sajan Kumari, aged about 10 years are dependent upon their father as their father is looking after them after the death of his mother.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner and submitted that there is specific allegation in the FIR that the petitioner alongwith other co-accused used to assault the deceased and forcefully given



poison to her on the fateful day.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order considering the fact that petitioner being the father of the children is the only person who looks after the children.

(Anjani Kumar Sharan, J)

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