

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62285 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- MANIHARI District- Katihar

1. BUDDHADEV MANDAL Son of Lalit Mandal Resident of Village - Dogachchhi Kebala, P.S.- Manihari, Distt.- Katihar.
2. Champa Devi W/o Buddhadev Mandal Resident of Village - Dogachchhi Kebala, P.S.- Manihari, Distt.- Katihar.
3. Pinki Devi W/o Subhash Chandra Bose Resident of Village - Dogachchhi Kebala, P.S.- Manihari, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-09-2022 Heard the parties.

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 section 341, 323, 328, 302, 201/34 of the Indian Penal Code.

Allegedly, the husband of the informant had gone to village Dogachchi Kebala on the call of the petitioners and other accused persons but later on her sister-in-law namely, Nutan



Devi informed the informant on mobile that her husband died and thereafter dead body was brought to her village. The allegation against the petitioners is that they along with others killed the husband of informant by giving him poison. There was sign of assault on the body of the deceased.

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. 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. There is no specific overt act against the petitioners. There is no eye witness in the present case. The name of the petitioners transpired in the present case only on the basis of suspicion. Petitioner no.1 and 2 are *mausa* and *mausi* of the deceased and petitioner no.3 is the cousin sister of the deceased. The deceased came to the village in heavy drunken condition and this fact was informed to his brother and on the same day the dead body of the deceased was found in an orchard. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Vide order dated 09.06.2022, case diary as well as post



mortem report and viscera report was called for.

I perused the case diary, post mortem report and viscera report. In the viscera report it is mentioned that the deceased died due to consumption of alcohol. Ethyl alcohol along with methyl alcohol was detected in the contents of plastic jar, the plastic jar contained some portions of visceral organs. In para-60 of the case diary, the mother of the deceased also stated that the deceased was heavy drunker.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Manihari P.S. Case No.02 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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