

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7886 of 2021

Arising Out of PS. Case No.-256 Year-2020 Thana- MANIHARI District- Katihar

1. Md. Atabur Rahman S/O Late Tamijuddin Resident of Banipur, P.S.- Manihari, Distt.- Katihar.
2. Bibi Golnoor W/o Md. Atabur Rahman Resident of Banipur, P.S.- Manihari, Distt.- Katihar.
3. Md. Israfil S/o Late Tamijuddin Resident of Banipur, P.S.- Manihari, Distt.- Katihar.
4. Ruksana Khatoon W/o Md. Israfil Resident of Banipur, P.S.- Manihari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-02-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under



Sections 341, 323, 328, 302, 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that all the accused persons including the petitioners assaulted the husband of the informant and thereafter, it is alleged that petitioner No. 1 caught hold the husband of the informant and petitioner No. 3 administered some poisonous medicine. The husband of the informant was taken to the informant where during treatment, he died.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 19.08.2020, the F.I.R has been registered on 23.08.2020. The petitioners have been implicated in this case due to previous enmity. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

The *viscera* report has been received and it has been brought on record at Flag-A. The *viscera* report suggests that *Aluminium Phosphide* was detected in the



dark brown fluid. The *Aluminium Phosphide* is known as *CELPHOS* and is highly poisonous. The viscera report completely corroborates the prosecution version.

Considering the aforestated facts, this Court is not inclined to grant anticipatory bail to the petitioners. The prayer for anticipatory bail of the petitioners stands rejected.

(Sunil Kumar Panwar, J)

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