

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66132 of 2021**

Arising Out of PS. Case No.-519 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Md. Jubair, S/o Md. Hakim, Resident of Village- Rupauli, Ward No. -15, P.S.-
Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Runnisaidpur P.S. Case No. 519 of 2019 registered for the alleged offences under Sections 328, 304(B) and 34 of the Indian Penal Code.

As per prosecution case, the daughter of the informant was killed by the petitioner and other co-accused persons by administering her poison. The occurrence took place in the background of demand of money. The petitioner is stated to be the father-in-law of the deceased.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. At the time of occurrence, the petitioner was not present in the house and he was in a field which was about 2.5 KM from his house. The deceased was a quarrelsome lady and over some petty dispute with the husband, she consumed poison and died. The co-accused husband fled away from the spot. Even the husband of the deceased has died after a few months of registration of this case. The informant has submitted an application before the police that her daughter herself consumed poison and her son-in-law has also died. She does not want to contest the case. The petitioner is in custody since 15.07.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the witnesses in paragraphs 4, 5, 35 and 36 of the case diary have supported the prosecution case.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is general and omnibus allegation without any substantive material to connect the



petitioner with the alleged offence and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Runnisaipur P. S. Case No. 519 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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