

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22762 of 2023

Arising Out of PS. Case No.-481 Year-2022 Thana- BARBIGHA District- Sheikhpura

1. DINESH SINGH, aged about 52 years (Male), Son of Late Suresh Singh, Resident of village Maldah, P.S. Barbigaha, District Sheikhpura.
2. SHOBHA DEVI, aged about 47 years (Female), Wife of Mr. Dinesh Singh, Resident of village Maldah, P.S. Barbigaha, District Sheikhpura.
3. GULSHAN KUMAR, aged about 19 years (Male), Son of Mr. Dinesh Singh, Resident of village Maldah, P.S. Barbigaha, District Sheikhpura.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party : Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 498(A), 341, 323, 306,
328/34 of the I.P.C..

The prosecution story, in brief, is that the informant
was married to one Manish Kumar (deceased). She lived in her
Sasural for one month and in that period, her in-laws used to
torture her. When her husband wanted to keep her with him, a
quarrel took place between her husband and her father-in-law.
After an hour of quarrel, her father-in-law and mother-in-law



came with bottle of poison and the father-in-law gave it to the informant's husband who drank the poison and consequently died.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is the father, petitioner no. 2 is the mother and petitioner no. 3 is the brother of the deceased. The wife of the deceased is the informant of the present case. The allegation is that the petitioners are abettors. There is no substantive evidence to suggest the implication of the petitioners in the present case. Vide Annexure-2, a petition has been filed on behalf of the informant where the informant has retracted from her earlier statement as made in the F.I.R. The petitioners have further relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.*

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./ complaint case.



Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below/concerned court, in connection with Barbigha P.S. Case No. 481 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioners.

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(Sudhir Singh, J)

