

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46281 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- RAJGIR District- Nalanda

Shailendra Kumar @ Shailendra Sao Son of Late Chandeshwar Sao Resident
of village - Kalibadi, Chhabilapur Road, Rajgir, P.s. - Rajgir, Distt. - Nalanda
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeet Kumar, Advocate
For the Opposite Party/s :	Mr. Raj Ballabh Singh, APP
For the Informant :	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State as well as learned
counsel for the informant.

2. The petitioner is apprehending his arrest in
connection with Rajgir P.S. Case No.23 of 2023, F.I.R. dated
17.01.2023 registered for the offence punishable under Sections
306 of the Indian Penal Code.

3. The prosecution case, in short, is that informant
Bhushan Sao is that he had solemnized the marriage of his sister
with petitioner accused Shailendra Sao. She blessed with two
child one girl namely Khushi Kumar and one son Nitish Kumar.
His sister had died previously. On 17.01.2023, he came to know
that son of his daughter administered poison, who was treated
by the doctor in the Hospital, where he died. Further alleged that



the informant got knowledge that he used to be very upset and after obtaining the poison by purchasing online, he had consumed it. Petitioner accused Shailendra Sao performed second marriage and two child also bom from this marriage. Accordingly, the FIR

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR, rather his name has come during investigation merely on the basis of suspicion and petitioner is father of the deceased and there is no occasion to give the poison to his son. Further submits that from perusal of the FIR, it appears that the victim has obtained the poison through Online and thereafter he consumed the same, so no case is made out under Section 306 against the petitioner. Further submits that before filing of the present FIR, the informant has met the brother of the deceased but he has not stated anything about the information as furnished by the daughter of the petitioner who is sister of the deceased and afterthought they have implead the petitioner in the present case and thereafter the informant side had also filed another case bearing Rajgir P.S. Case No.180 of 2023 against the petitioner for the same set of allegation.



5. Learned counsel for the informant as well as learned APP for the State, on the other hand have vehemently opposed the prayer for anticipatory bail of the petitioner stating that daughter of the petitioner who is sister of the victim, which reveals from paragraph-9 of the case diary, in which she stated that the petitioner and co-accused have given poison to his brother.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif at Nalanda in connection with Rajgir P.S. Case No.23 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.



(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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