

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50620 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

1. SIMA DEVI Wife of Gopal Rajak Resident of village - Naya Tola Desari,
P.s. - Jagdishpur, Distt. - Bhagalpur
2. Gopal Rajak Son of Ramroop Rajak Resident of village - Naya Tola Desari,
P.s. - Jagdishpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhoy Kumar Kashyap

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 02-11-2023 Heard learned counsel for the petitioners as well as
the learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Jagdishpur P.S. Case No. 390 of 2022, registered for the
offences punishable under Sections 328 of the Indian Penal
Code.

3. As per allegation, due to previous dispute, the
petitioners along with the co-accused administered poison in the
food of the informant and her children, causing serious illness to
all of them.

4. Learned counsel for the petitioners has submitted
that both the parties are agnates. The FIR shows itself that there



was dispute between the parties. The petitioners are the persons of clean antecedents. He has submitted further that the husband of the informant was in the same house and had the same meal, but he had no symptoms of poisoning which shows the false implication of the petitioners.

5. On the other hand, Shri Shailendra Kumar, learned APP has submitted that in paragraph nos. 26 and 27 of the case diary, the independent witnesses, though they are hearsay, have supported the prosecution case by stating that they had heard about administration of poison to the victims.

6. The petitioners are the persons of clean antecedent. The previous enmity is an admitted fact. Considering these facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 390 of 2022, subject to the conditions as laid down under Section 438(2) CrPC.

(Nawneet Kumar Pandey, J)

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