

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54781 of 2023

Arising Out of PS. Case No.-256 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Sanjay Kumar Son of Laxmi Naryan Mahto R/o vill - Belsandi Tara, P.S. -
Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khusboo Kumari W/o Sanjay Kumar R/o vill - Belsandi Tara, P.S. -
Bibhutipur, Distt. - Samastipur. At present D/o Bindeshwar Singh, resident
of vill - Singhia Khurd, ward no. 12, P.S. - Muffasil, distt. - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Adv.
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 328/ 34 of
the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged by the informant (victim) against four named accused
persons including the petitioner against whom, the allegation is
that he alongwith with his family members administered poison
to the informant forcefully.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel

submits that the alleged occurrence was due to the money transaction in the family and the dispute was existing in the family for last two months and that was the personal family matter, wherein the victim has no concern with the same. Counsel submits that the petitioner has falsely been implicated in this case.

5. Learned counsel for the petitioner further submits that the marriage of the petitioner was solemnized in the year 2013 and from their wedlock, one male child was born and during that period, no any demand of money as dowry has been made. Counsel further submits that the antecedent of the petitioner is clean.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that the allegation against the petitioner is serious in nature as administering poison shall cause death.

7. Considering the nature and gravity of offence and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Bibhutipur P.S. Case No. 256 of 2021, dated 21.07.2021 to the satisfaction of learned Additional Chief Judicial Magistrate-IInd, Rosera, Samastipur.

8. Accordingly, the prayer for anticipatory bail of the

petitioner stands rejected.

9. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks.

10. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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