

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58530 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- HATHUA District- Gopalganj

1. DHENUKDHARI BHAGAT S/o Late Sri Kishan Bhagat Residents of village- Mirzapur, P.S.- Hathua, District- Gopalganj
2. BITTU KUMAR S/o Shivjee Bhagat Residents of village- Mirzapur, P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Narayan, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 07-02-2023 Heard the learned counsel for the petitioners and
the learned APP for the State.

The petitioners seek regular bail in connection with Hathua PS case no. 274 of 2021 instituted for the offences punishable under Section 302/34 of the Indian Penal Code.

The informant has alleged that the deceased was married to one Phul Kumari Devi, five years ago and when the deceased had gone to his in-laws' place for bringing his wife back, he was killed there.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 16.05.2022. The learned counsel for the petitioner



has further submitted that while the petitioner no. 1 is the brother-in-law of the wife of the deceased, the petitioner no. 2 is the maternal uncle of the wife of the deceased. It is next submitted that there is no eye-witness to the alleged occurrence and the factum of administering any poisonous substance to the deceased has already been found to be false, inasmuch the F.S.L. report dated 30.01.2023 shows the result of examination as follows :-

“ No Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile poison could be detected in the contents of all the seven very small plastic dibbas as described above.”

It is also submitted that there is no evidence on record of the case to suggest the complicity of the petitioners in the alleged crime. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 03.11.2022, passed in Cr. Misc. no. 22246 of 2022.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also the materials available in the case diary, this Court



finds that there is no evidence on record to connect the petitioners with the alleged crime, apart from the fact that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Gopalganj in connection with Hathua PS case no. 274 of 2021.

(Mohit Kumar Shah, J)

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