

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.533 of 2023

Arising Out of PS. Case No.-310 Year-2021 Thana- BIHIA District- Bhojpur

1. KUSMA KUNWAR Wife of Late Satyanarayan Ojha R/v- Beleuona, P.S.- Bihiya, District- Bhojpur
2. DHARMENDRA OJHA Son of Late Satyanarayan Ojha R/v- Beleuona, P.S.- Bihiya, District- Bhojpur
3. SUNITA OJHA @ SUNITA DEVI Wife of Dharmendra Ojha R/v- Beleuona, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Pandey
For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 302, 328/ 34 of the Indian Penal Code.

As per the prosecution case, the informant alleged that all the FIR named accused persons, including these petitioners, killed his daughter by poisoning.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is further submitted that informant is not an eye



witness of the occurrence and only on suspicion petitioners have been made accused in this case. It is next submitted that during the course of investigation it has come that on the alleged date deceased was on fasting on the occasion of Somwari festival and due to that she fell down and her husband has taken her before the doctor but during treatment she died. The post mortem report falsifies the allegation inasmuch as no trace of poisonous substance was found. Petitioners have got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case and clean antecedent of the petitioners, let the petitioners, above named, in the event of their arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Jagdishpur in connection with Bihiyan PS case No. 310/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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