

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6759 of 2024

Arising Out of PS. Case No.-148 Year-2021 Thana- SANDESH District- Bhojpur

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1. Md. Kalam SON OF LATE GULAM RASHUL RESIDENT OF VILLAGE-
FULARI, PS- SANDESH, DIST- BHOJPUR
 2. MD. SHULTAN SON OF MD. KALAM RESIDENT OF VILLAGE-
FULARI, PS- SANDESH, DIST- BHOJPUR
 3. MD. AFTAB SON OF MD. KALAM RESIDENT OF VILLAGE- FULARI,
PS- SANDESH, DIST- BHOJPUR
 4. MD. RIJWAN @ RIJWAN SON OF MD. KALAM RESIDENT OF
VILLAGE- FULARI, PS- SANDESH, DIST- BHOJPUR
 5. SAHJADI KHATOON @ BEGAM WIFE OF MD. KALAM RESIDENT
OF VILLAGE- FULARI, PS- SANDESH, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Pandey
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-02-2024 1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Sandesh Police Station Case No. 148 of 2021, dated
15.08.2021, disclosing offences punishable under
Sections 302/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report,
is that on 15.08.2021, at about 03:30 PM, the petitioners
dragged the husband of the informant from his house in



front of the informant and administered him poison forcefully, due to which he died.

4. Learned Counsel for the petitioners submits that the petitioner no. 1 is the father of the deceased. The petitioner nos. 2, 3 and 4 are the brothers of the deceased and petitioner no. 5 is the mother of the deceased. He further submits that they have not committed any offence in the manner alleged inasmuch as the informant is a quarrelsome lady and used to fight with her husband (deceased), due to which the husband of the informant committed suicide by consuming poison. Referring to the impugned order, learned Counsel submits that in paragraph 35 of the case diary, independent witness has revealed that the deceased has consumed poison himself due to dispute with his wife.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that in course of investigation, the independent witness has said that the deceased has committed suicide by consuming poison and that the petitioners are the father, brothers and mother of the deceased, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, 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, Bhojpur, at Ara, in connection with Sandesh Police Station Case No. 148 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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