

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25419 of 2024

Arising Out of PS. Case No.-627 Year-2023 Thana- BIDUPUR District- Vaishali

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1. Renu Devi W/O Pankaj Choudhary R/O Village- Balatand, P.S- Bidhupur, Distt.- Vaishali.
 2. Pankaj Choudhary S/O Late Ashok Choudhary R/O Village- Balatand, P.S- Bidhupur, Distt.- Vaishali.
 3. Anil Choudhary S/O Bhag Narayan Choudhary R/O Village- Balatand, P.S- Bidhupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Adv.
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Bidupur P.S. Case No. 627 of 2023 lodged on 21.10.2023 for the offences punishable under Section 328, 420, 120(B) of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against three named accused persons (present petitioners in this case). The allegation against the present petitioners is that they have given poison to the informant in a cold drink due to which, the informant become unconscious for two days and subsequently,



while treatment, when the informant become conscious, doctor told her that she has consumed poison. With this allegation, the present FIR has been lodged.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the criminal antecedent of the petitioners are clean. Counsel further submits that from the FIR itself, it has been alleged that the land dispute is going on between the petitioners family and the informant's family and a Partition Suit No.480 of 2023 is pending between them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that allegation of providing poison is upon petitioner no.1 and against petitioner no.2 and petitioner no.3, no allegation is there.

6. In the present facts & circumstances of the case, let the above named petitioner no.2 and petitioner no.3 be granted bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) Cr.P.C.



7. The prayer for anticipatory bail of the petitioner no.1 is rejected and it is directed to the petitioner no.1 that the petitioner no.1 shall also surrender before the Original Court and upon surrender, Original Court shall provide provisional bail to petitioner no.1 and thereafter, call for the case diary which shall verify from the entries made in the case diary that whether the informant has consumed poison or not and then pass order on bail considering the merit of the case.

8. Accordingly, with the aforesaid observations and directions, this bail application is hereby disposed off.

(Dr. Anshuman, J.)

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