

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43619 of 2024

Arising Out of PS. Case No.-555 Year-2023 Thana- MADHUBAN District- East Champaran

Anil Ram Son of Chandrika Ram R/O Vill.- Jitaura Gosaipur, P.S.-
Madhuban, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gunja Kumari D/O Rampukar Ram R/O Vill.- Jitaura Gosaipur, Ward no.-
18, P.S.- Madhuban, Dist.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar
		Mr. Hemant Ray
For the Opposite Party/s :		Mr.Dinesh Singh
		Mr. Vijay Shankar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-11-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 447, 448,
341, 323, 354, 328, 302, 504, 506 and 504 of the Indian Penal
Code and Section 8 of the POCSO Act.

3. The learned counsel for the petitioner submits that
petitioner has the antecedent of one case and the informant
alleges that on 1.11.2023 at 10 pm, the accused persons
including the petitioner barged into the house of the informant
and thereafter the petitioner dashed the mother of the informant



on the ground and thereafter all the accused persons started assaulting her with leg and fist. It is further alleged that the accused persons killed her mother either by strangulating or by giving poison.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the allegations are vague and cryptic. It is also submitted that in the nature of allegation, it can very well be culled out that informant is not an eyewitness to the occurrence. It is next submitted that the informant alleges that her mother was killed either on account of strangulation or poisoning which amply demonstrates that the informant had not seen the occurrence. It is next submitted that post mortem of the dead body was conducted and from perusal of the post mortem report, it would manifest that injury suffered by the victim was simple in nature. It is also submitted that *viscera* was sent to FSL and the FSL report records that no poison was found in the body. It is next submitted that even the injury as recorded in the post mortem report was not sufficient in the ordinary course of nature to cause death of the victim which further casts an aspersion on the case of the prosecution that as to whether informant was really an eyewitness to the occurrence or not.



5. The learned APP opposes the anticipatory bail application but then fairly submits that the post mortem report does not record that any poison was found; and the injury found on the body of the deceased was simple in nature.

6. The learned counsel appearing on behalf of the informant is not in a position to rebut the said submission of the learned counsel appearing on behalf of the petitioner that injury suffered by the victim was simple in nature and no poison was found in the body.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madhuban P.S. Case No. 555 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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