

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66945 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- GORAUL District- Vaishali

Jitendar Kumar S/o- Harikishore Bhagat @ Harikishore Village- Chehrakalan
Ps- Kathara Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Goraul (Vaishali) P.S. Case No. 192 of 2024, registered on 23.05.2024, for the alleged offence under Sections 328, 302, 120(b), 201/34 of the Indian Penal Code.

03. As per prosecution case, husband of the informant was called out by the petitioner and subsequently, the husband of the informant was found in unconscious state in a maize field. He was taken to hospital for treatment and during lucid moment, he told his agnates and villagers that the petitioner and his associates administered him poison. The informant has alleged that the petitioner had taken loan of Rs. 1,00,000/- from the deceased and in order to grab the said money, he administered poison to him.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that falsity of the case is apparent from the FIR that for an occurrence of 11.05.2024, FIR has been registered on 23.05.2024 without any satisfactory explanation for the delay. Learned counsel further submits that the petitioner was not even present around the place of occurrence on the relevant date and he had gone for the admission inquiry of his son on 11.05.2024 to Gurukul Vidyapeeth, Anjanpeer, Hajipur and photocopy of the visitor's entry book of the School has been annexed, which shows presence of the petitioner in the School. Similarly, tower location of the mobile phone of the petitioner also shows his presence in the School. The husband of the informant did not tell her about his poisoning and the informant is only a hearsay witness as she claim to know about this fact through villagers and agnates. Learned counsel further submits that, in fact, the deceased-husband of the informant had taken a loan from the petitioner, which was never returned and this fact within the knowledge of *Mukhiya*, *Sarpanch* and member of the Ward. Learned counsel further submits that the petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the doubtful nature of accusation against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur at Vaishali/court concerned in connection with Goraul (Vaishali) P.S. Case No. 192 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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