

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68296 of 2023

Arising Out of PS. Case No.-464 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

Prabha Devi Wife Of Murari Natt @ Murari Prasad, Resident Of Village-
Ambedkar Nagar, Karma Road, Ps- Aurangabad (MUFASIL), Distt-
Aurangabad Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate

For the Opposite Party/s : Md. Fahimuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-02-2024 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 Aurangabad (Town) P.S. Case
No.464 of 2023, registered for the alleged offence under
Sections 306, 328/34 of the Indian Penal Code.

03. As per prosecution case, the allegation against the
petitioner is that she administered poison to the father of the
informant and got him admitted in a Hospital. Later on, father of
the petitioner died during his treatment.

04. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The prosecution story is not believable, if the petitioner



administered poison to the father of the informant, she would not have taken him to the hospital. The real fact of the case is that the father of the informant had consumed spurious liquor and the petitioner found him in unconscious state at road side and thereafter, she brought him to the hospital where the doctor opined that he had consumed poisonous liquor and thereafter the petitioner informed the informant on mobile phone about the incident. The deceased did not record any dying declaration. Learned counsel further submits that there is no specific allegation against the petitioner for doing any criminal act and allegation of administering poison is ridiculous. The petitioner has got no criminal history.

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 distinct lack of substantive material against the petitioner to connect her with the offences as alleged and further considering the possibility of false accusation, let the petitioner above named, in the event of her 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, Aurangabad (Bihar)/concerned court in connection with Aurangabad (Town) P.S. Case No. 464 of 2023, 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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