

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76542 of 2023

Arising Out of PS. Case No.-603 Year-2023 Thana- KATIHAR NAGAR District- Katihar

1. MD. AFGAN Son of Md. Allauddin R/o vill - Khankah, P.S. - Town, Distt. - Katihar
2. Md. Nasrul @ Nasrul Ansari Son of Amirul Ansari R/o vill - Khankah, P.S. - Town, Distt. - Katihar
3. Md. Guddu @ Guddu Son of Sheikh Chamru R/o vill - Khankah, P.S. - Town, Distt. - Katihar
4. Ranjeet Ram Son of Late Shambhu Ram R/o vill - Khankah, P.S. - Town, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-03-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Town P.S. Case No. 603 of 2023 for the offence under sections 302, 120B of the I.P.C. lodged on 13.08.2023 by the informant, Samsa Khatoon.

3. As per the prosecution story, the son of the complainant used to take breakfast in the tailoring shop of Ranjeet Ram, where he had some altercation regarding money. Later, it was pacified and the son came home. However, he vomitted and in the morning, did not wake up and was dead. Subsequently, some pieces of paper were brought and got the informant signed. As the complainant had strong suspicion that poisonous food was given to the deceased, the case.



4. Learned counsel for the petitioners submit that the food was taken by all the persons, the poison aspect has not come in the post-mortem report and thereafter, the viscera was saved as the doctor could not give any opinion on the cause of the death, only on suspicion that because they used to take food together, some poison may have been mixed, there is nothing on record to show that the accused persons are the reason for the unfortunate death.

5. Learned APP opposes the prayer stating that petitioner nos. 1 and 3 have criminal antecedent.

6. Though an unfortunate death has taken place, the post-mortem report could not ascertain the cause of the death, the alleged death took place on 12.10.2022 whereas the complaint was filed in the month of June, 2023 as would reflect from the last page of the complaint, FIR lodged and they will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M, Katihar, in connection with



Town P.S. Case No. 603 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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