

Arising Out of PS. Case No.-177 Year-2023 Thana- SARAIYA District- Muzaffarpur

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Vaishnavi Singh
For the Opposite Party/s : Mr. Md. Ataur Rahman
For the Informant : Mr. Sanjay Kumar

3 20-06-2025 1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 328, 420 and 34 of the Indian Penal Code.

3. The learned counsel appearing on behalf of the petitioner submits that petitioner has antecedent of two cases and is in custody since 19.01.2025 and is father of Amarjeet. The learned counsel for the petitioner submits that the informant has falsely implicated the petitioner with an allegation that the son of the informant, Dhananjay (deceased) executed sale deed dated 17-2-2023 in favour of the petitioner, but then the entire consideration amount was not paid and when Dhanajay went to the house of the petitioner for seeking his money, when he was



offered tea, and Dhanajay, after having tea, came back to his house and complained uneasiness and also disclosed that he was offered tea at the house of the petitioner, thereafter Dhananjay died during the course of treatment.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case for the reason best known to the informant. It is next submitted that sale deed dated 17.02.2023 clearly records that the entire consideration amount of Rs. 13,75,000/- was paid to the executor of the sale deed, it is next submitted that no sale deed is complete until and unless the entire amount is paid. It is also submitted that it absolutely does not stand to reason that as to why the petitioner would have poisoned the deceased by offering tea and then would have allowed the deceased to go back to his house, it is further submitted that had the petitioner been involved in the occurrence in any manner, then his effort would have been to conceal the fact that deceased had come to his house and definitely would not have allowed him to go back to his house, fearing that he may disclose that he was offered tea on account of which he was feeling unwell. It is next submitted that son of the petitioner Amarjeet approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No.



46266 of 2023 and the same was allowed by an order dated 28.03.2024. It is next submitted that petitioner is languishing in judicial custody since 19.01.2025. It is also submitted that if the privilege of bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for regular bail of the petitioner and submits that by order dated 30.04.2025, case diary was called for and the same has been received and from perusal of the FSL report, it would manifest that '*Lorazepam*', a *Benzodiazepine* was detected in the contents of glass jar as described above. Lorazepam commercially known as 'Ativan' is used as sedative and psychotropic drug, induces sleep when ingested. It is, thus, submitted that the FSL report clearly records that in the postmortem, Lorazepam was found in the body of the deceased, which amply demonstrates that son of the informant was intoxicated by the aforesaid medicine leading to his death during the course of treatment.

6. The learned counsel appearing on behalf of the petitioner rebuts the said submission of the learned counsel appearing on behalf of the informant and reiterates his submission that it does not appear probable that had the



petitioner administered the said medicine in tea and thereafter offered the deceased then in that event the petitioner and his family members would not have allowed the deceased to go back home fearing disclosure.

7. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five 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 Saraiya P.S. Case No. 177 of 2023.

8. It is made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release, is trying to delay the trial in any manner in that event, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

9. Accordingly, the instant bail application is allowed.

(Satyavrat Verma, J)

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