

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53342 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Md. Husain S/o- Md. Alam Village- Patailiya W.No-6, Ps-Bibhutipur Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mazharul Hassan- Advocate
For the Opposite Party/s :	Mr. Md. Shakir Ahmad- A.P.P.
	Mr. Sorbottam Kumar Sarkar- Advocate
	Ms. Dimpal Kumari- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-08-2025 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 anticipation of his
arrest in a case registered for the offences punishable under
Sections 123 and 103(1) of the B.N.S.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and is a young
boy aged about 18 years and the informant alleges that her
daughter aged about 17 years was being sexually exploited by
her neighbour with whom she was in love for the last two years,
but the boy refused to marry her. It is next alleged that Md.
Irshad and petitioner made her daughter flee and Md. Irshad had



given poison bottle to petitioner who administered poison on account of which her daughter died during the course of treatment.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that Md. Irshad, with whom the daughter of the informant was in love, had approached this Court seeking anticipatory bail by filing Cr. Misc. No.50580 of 2025 and the same came to be rejected by an order dated 11.08.2025 passed by the learned Coordinate Bench, but then, it is submitted that case of the petitioner is not on the similar footing, nor the case of Md. Irshad was considered on merit. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that Md. Irshad had given a bottle of poison to the petitioner for administering it to her daughter which was administered and she died during the course of treatment, but then, it is submitted that the date of occurrence is 20.04.2025 and the daughter of the informant was admitted in a private nursing home namely Ashutosh Clinic where she died on 27.04.2025 thereafter inquest was made on 28.04.2025 and thereafter on 29.04.2025, the FIR came to be instituted. It is thus submitted that it absolutely does not stand to



reason that as to why the informant did not institute an FIR instantly or the private clinic/hospital where daughter of the informant was being treated did not inform the police. It is also submitted that it was only after inquest was made that the FIR came to be instituted. It is next submitted that all these facts were not taken into consideration in Cr. Misc. No.50580 of 2025.

5. Learned A.P.P. and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the informant did not inform the police about the occurrence instantly and the FIR came to be instituted only after the inquest report was prepared.

6. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P. S. Case



No.161 of 2025, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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