

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74955 of 2024

Arising Out of PS. Case No.-274 Year-2022 Thana- WARISNAGAR District- Samastipur

1. Manish Kumar Son of Raj Kumar Sah @ Rajo Sah Resident of Village -Nagarbasti Ward no 08, PS - Warisnagar, District - Samastipur
2. Babita Devi wife of Raj Kumar Sah @ Rajo Sah Resident of Village -Nagarbasti Ward no 08, PS - Warisnagar, District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 328, 379 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is further submitted that petitioner no. 1 is own brother of Guriya Devi and petitioner no. 2 is mother of Guriya Devi, as such, petitioners no. 1 and 2 are own brother-in-law and mother-in-law of the deceased i.e. the husband of Guriya Devi.

4. Learned counsel for the petitioners submits that informant alleges that his brother Gautam Sah was married to



Guriya Devi about 8 years back but his relation with his in-laws family was not good. Further, on 23.08.2022, Gautam Sah had come to his in-laws' place to celebrate *Chhathi* of his new born child where Raj Kumar Sah (father-in-law), petitioner no. 2, petitioner no. 1 and Sujit Kumar (brothers-in-law of Gautam), Guriya (wife of Gautam) and Priyanka Kumari were present. It is next alleged that on 25.08.2022, in the night, the accused persons tried to administer poison but the brother of the informant objected thereafter he was assaulted and was forcefully administered poison on account of which he died on 26.08.2022. Thereafter, on coming to know about the occurrence, the informant reached the place of occurrence when all the accused had fled away and the informant with the help of the police took the dead body for postmortem.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that informant is not an eyewitness to the occurrence. It is next submitted that it absolutely does not stand to reason that as to why the brother-in-law and mother-in-law would kill Gautam Sah and, thus, make their sister and daughter a widow and the child orphan. It is also submitted that since Guatam had gone to his in-laws' house for



celebrating *Chhathi* of his child and, as such, he drank while merry-making and the liquor turned out to be spurious on account of which he died as has been specifically pleaded at para. 13 of the anticipatory bail application. It is further submitted that the instant FIR came to be instituted by the informant at the behest of the police to cover up the case.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Warisnagar P.S. Case No. 274 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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