

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84964 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- NIRMALI District- Supaul

Shyam Kumar Mandal S/O Dharm Lal Mandal @ Dharm Narayan Mandal
Resident of village - Rasuar, Ward No. 05, Police Station - Supaul Nadi
(Riverine PS at Mauja Barhara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun .

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 12-05-2025 Heard learned counsel for the petitioner, learned App
for the State.

2. Petitioner apprehending his arrest in a case registered
for the offences punishable under sections 304 of the Indian
Penal Code.

3. The allegation in the FIR is that the husband of the
informant was taken ill and the petitioner, who is a “quack”
came to her house and took her husband on the motorcycle and
injected medicine in her husband’s vein whereafter her husband
became unconscious and was taken to hospital, where the doctor
declared him dead. She has raised suspicion against the
petitioner.

4. Learned counsel for the petitioner submits at the



outset that the FIR has been filed after due thought and deliberation by the informant as the alleged occurrence has taken place on 02.06.2024 at 2 pm whereas the written report was submitted on 03.06.2024. It is further submitted that even though taking the allegation to be true against the petitioner, it was only an act of help and no motive at all has been alleged, as to why, the petitioner would cause harm to the informant's husband. At best, it would be a case of negligence. The cause of death had earlier been reserved for FSL report. The FSL report has been produced by the investigating officer, who is present in the Court along with her explanation. The FSL report goes to show that no metallic or volatile poison could be detected in the viscera. Learned counsel for the petitioner further submitted that the informant after knowing about the truth of the matter has also filed a compromise application which has been annexed as Annexure-2 to the petition.

5. The learned APP for the State opposes the prayer for anticipatory bail.

6. Taking into consideration the facts and circumstances and also considering that the petitioner has no criminal antecedent, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/



surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)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 Nirmali P.S.Case No.92 of 2024 subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

7. Explanation is accepted and the appearance of Investigating Officer of the present case is dispensed with.

(Soni Shrivastava, J)

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