

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91301 of 2025

Arising Out of PS. Case No.-211 Year-2023 Thana- SHAHKUND District- Bhagalpur

1. Sima Devi @ Sima Kumari W/O Late Niraj Mandal R/o Mohalla - Shanti Nagar, P.S.- Shahkund, Distt.- Bhagalpur
2. Chhotu Kumar @ Shailesh Kumar S/o Shri Nawal Mandal R/o vill - Lakhanpur, P.s.- Asarganj, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-01-2026 Heard Mr. Deepak Kumar, learned Advocate appearing on behalf of the petitioners and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Shahkund P.S. Case No. 211 of 2023, registered for the offences punishable under Sections 302, 328 and 34 of the Indian Penal Code.

3. Based upon the *fardbeyan*, the informant alleged that his son Jitendra Kumar, who had been working in Delhi had come to home about one and half months ago. Just a day before, the petitioner no. 1 had called his son at her house and gave something to eat and thereafter her brother has driven him out from the house. Later on, he started making a complaint of severe pain in his stomach and thus, was taken to hospital.



However, in course of treatment, his son died on 23.04.2023.

4. Learned Advocate appearing on behalf of the petitioners submitted that admittedly the informant was not an eye witness to the alleged occurrence, but only on account of the suspicion, the name of the petitioners have been implicated in this case. In fact, the petitioner no. 1 is a widow lady and the deceased was none else but her *dewar*, who was in love with the petitioner no. 1, but once the said relationship has not been accepted by the family members; on account of the aforesaid reason he consumed some poisonous substance, which resulted into his death. The aforesaid fact has also been admitted by the informant, who has submitted an affidavit before the investigating officer, which fact has also been recorded in paragraph no. 116 of the case diary. The post-mortem report also suggest that the deceased died on account of consumption of some poisonous substance. There was no mark of any injury over the body of the deceased. The petitioners are persons of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application, however it is submitted that the submission of the petitioners are required to be verified by the jurisdictional Court.



6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the entire case is based upon the suspicion and the post-mortem report suggest that deceased died on account of consumption of poisonous substance as well as the affidavit filed by the informant to the extent that the deceased himself consumed the poisonous substance as also the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned A.C.J.M.-II, Bhagalpur in connection with Shahkund P.S. Case No. 211 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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