

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15290 of 2015

Arising Out of PS.Case No. -166 Year- 2012 Thana -TRIVENIGANJ District- SUPAUL

Gajendra Sah S/o Sri Budhan Sah, resident of Village- & P.O.- Bhairiopatti,
P.S.- Triveniganj, District- Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate.

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 13-08-2015

Heard learned counsel for the parties.

2. Having regard to the nature of allegation for offence under Sections 302 and 498A/34 of the Indian Penal Code and the fact that the petitioner is the husband, this Court is not inclined to grant privilege of anticipatory bail to the petitioner only because he claims that on 9th December 2013 he had given a written information to the police with regard to missing of his wife, the deceased lady.

3. Learned counsel for the petitioner however submits that copy of the same was not given by the police but its existence is found in the case diary.

4. It has to be always kept in mind that the dead body was recovered adjacent to the house of the petitioner and, therefore, if there was any written information by the petitioner to

the police, its copy could have been at least produced before this Court.

5. As noted above, the petitioner is the husband and the attending circumstances do make him liable and, therefore, he will not be entitled for privilege of anticipatory bail.

6. If the petitioner however surrenders and seeks regular bail, the same shall be considered on its own merit including those found in the case diary and also without being prejudiced by any thing said in this order.

(Mihir Kumar Jha, J)

Sujit/-

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