

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39469 of 2015

Arising out of PS.Case No. -179 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

Shanwaz @ Bablu, s/o Khaliur Rahman, R/o village - Saatkhamar, P.O. Singhia, P.S. & District - Kishanganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Satish Kumar Sinha, Advocate.

For the Opposite Party : Mr. Kumar Virendra Narayan(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Kishanganj Town P.S. Case No. 179 of 2015 for the offences instituted under Section 304(B)/34 of the IPC.

The prosecution story, in brief, is that the informant's daughter having two children suspected that her husband (petitioner) has some illicit relation with another woman and there was Mar-Pit on protest. There was allegation that the informant's daughter had claimed that the petitioner asked for Rs. 50,000/- to the deceased. The informant alleged that her daughter has been murdered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It has been submitted

that the deceased had committed suicide. It has further submitted that there is sufficient material in the case diary which indicates that the petitioner is innocent. It is further submitted that no offence under Section 304(B) of the IPC is attracted as the marriage had taken place ten years prior to the alleged date of occurrence.

On behalf of the State it has been submitted that the petitioner is the husband of the deceased and there is specific allegation against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Kishanganj Town P.S. Case No. 179/2015. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)