

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44731 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -SATHI District- WEST CHAMPARAN
(BETTIAH)

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Munilal Sah Son of Kamal Sah, resident of Village -Gonahi, P.S. Sathi,
District -West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 13-10-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Sathi P.S.
Case No. 55 of 2015 dated 20.04.2015 instituted under
Sections 304B/201/34 of the Indian Penal Code.

The allegation against the petitioner is that he
being the husband, was responsible for the death of the sister
of the informant, who died on account of burn injury in the
matrimonial home.

Learned counsel for the petitioner submits that
the death was caused due to accidental fire for which the
petitioner is not responsible and further that the informant
himself on coming to know the real fact has filed a compromise
petition before the Court below. Learned counsel submits that
other co-accused have been granted anticipatory bail.

Learned A.P.P. opposes the application and submits that the petitioner being the husband and death occurring in the matrimonial home, about three years of marriage, the onus is on the petitioner to show that it was accidental. Learned counsel submits that there is no explanation of what steps the petitioner took to save his wife when such accident occurred leading to the death of the sister of the informant and thus being the husband, he does not deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on materials available before the Court after taking into consideration the facts and circumstances of the case, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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