

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38560 of 2014

Arising Out of PS.Case No. -254 Year- 2014 Thana -KADAMKUAN District- PATNA

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Vikash Kumar age 31 years Son of Lal Babu Gupta residing in the house of
Rajiv Sahi Kala Manch Bakarganj, P.S. Pirhabore, Patna.

.... 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

3 28-04-2015 Heard Mr. Rajendra Narayan, learned senior
counsel assisted by Mr. Sanjeev Kumar Mishra, learned
counsel for the petitioner, learned A.P.P. for the State and
learned counsel for the informant.

The petitioner apprehends arrest in Kadamkuan
P.S. Case No. 254 of 2014 dated 05.06.2014 instituted under
Sections 304B/34 of the Indian Penal Code.

As per the allegation, the sister of the informant
who was married to the brother of the petitioner was found
hanging in the rented premises of the petitioner at Patna.

Learned counsel for the petitioner submits that
he is the elder brother of the husband of the deceased and it is
a case of suicide, may be due to differences between the couple
in which the petitioner has absolutely no concern. It is
submitted that the petitioner was the person who had
telephonically informed the local police which is indicated from



the case diary and that the husband of the deceased had left on the day of the incident for Kolkata and was informed on telephone and had returned the next morning by flight. Learned counsel further submits that the informant and other family members had participated in the last rites of the deceased and thus the petitioner cannot be held liable for any offence. It is further submitted that the petitioner has no criminal antecedent.

Learned A.P.P., upon going through the case diary and learned counsel for the informant oppose the prayer for anticipatory bail. It is submitted that the matrimonial home of the deceased was at Bokaro where the parents live and the deceased coming to Patna and committing suicide at the house of the petitioner cannot be readily explained. It is further submitted that only the petitioner was alone in the house when such incident occurred and there was no reason why the deceased would come and live with the petitioner at Patna when the husband is away and the matrimonial home is at Bokaro and that too without informing the relatives of the deceased. It is further submitted that death had occurred within six months and the police has found the case true against the accused including the petitioner.

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.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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