

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46001 of 2015

Arising Out of PS.Case No. -123 Year- 2012 Thana -RASULPUR District- SARAN

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Chandra Bhushan Singh, Son of Late Parshuram Singh, Resident of Village-
Nainpura, Police Station- Panchrukhi, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar
For the Opposite Party/s : Mrs. Madhurilata (App)
For the Informant : Mr. Uday Bhan Singh, Adv.
Mr. S.S. Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 302, 201 and 120(B) of the Indian Penal Code and that though the petitioner claims to have divorced his deceased wife way back in the year 2009 but, then, learned counsel for the informant explains that such decree of divorce was ex-parte and in fact after acquiring knowledge of such ex-parte decree of divorce, the deceased wife had filed maintenance case in the year 2009, this Court would find it difficult to accept the submission of the learned counsel for the petitioner that the petitioner had been left with no concern with the deceased after the divorce of the deceased specially when after the death of the deceased in the



maintenance case, an application was filed on behalf of the petitioner that he had on 26.5.2012 done the last rights (Mukhagni). Thus, whatever has been submitted by the learned counsel for the informant that there was subsequently a patch up and in fact the deceased was taken to the house of the petitioner for looking after the child that he had got from the second wife with a view to settle the dispute also does not seem to be out of place and/or improbable. The only submission that the informant had lodged the First Information Report after one and half months of the alleged occurrence will also in this case be of little consequence keeping in view that the informant was not residing with his sister and in fact has himself explained that he himself was unwell. Let it be kept in mind that the informant had no option but to file a complaint case keeping in view that the petitioner was a Head Constable and had support of the local police.

All these aspects, therefore, will go to show that there may be some semblance of truth in the allegation made against the petitioner specially when the informant claims that he was not even informed about the death of the sister while the petitioner had stealthily disposed of the dead body of his deceased wife.

Thus, for the reasons indicated above, this Court does

not find the petitioner entitled to grant of privilege of anticipatory bail and his such prayer is, accordingly, rejected.

Nothing said in this order shall come in the way of the petitioner in surrendering and making a prayer for regular bail which shall be considered on its own merit without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

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