

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58006 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -BHARGAWAN District- ARRARIA

Ajit Srivastav @ Ajit Kumar Srivastav Son of Late Yogendra Srivastav

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/420/120B/34 of the Indian Penal Code.

The prosecution case is that the informant was taking his ailing wife for treatment to the government hospital when the petitioner and other accused persons stopped them from going to the hospital and offered them to get the wife of informant treated at home, otherwise he will be dragged in criminal case. Subsequently, the petitioner realized Rs.15,000/- for providing

adequate treatment but the wife of the informant died during treatment and, subsequently, on the direction of the accused persons the dead body of victim was cremated hurriedly.

It is submitted by learned counsel for the petitioner that in fact the wife of the informant committed suicide by consuming poison as she died on 05.01.2015. After death of the victim, the family members of the victim and the informant entered into compromise on certain terms on 06.01.2015. For the occurrence of 05.01.2015, the complaint was filed on 11.02.2015, which came to be registered as police case on 18.04.2015. There is nothing on record to suggest that the informant could not take his wife to the government hospital on the direction of the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the delayed lodging of the case and the compromise entered into the family members of the informant and the victim, which does not suggest the accusation levelled in the FIR, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of the learned CJM, Araria in connection with Bhargama P.S. Case No.69/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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