

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43936 of 2016

Arising Out of PS.Case No. -81 Year- 2013 Thana -SHAMBHUGANJ District- BANKA

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Ghanshyam Yadav, S/o Late Yogendra Yadav, resident of Village- Bellari,
P.S.- Shambhuganj, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Ram Priya Saran Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

2 05-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in connection with Shambhuganj P.S.Case No. 81 of 2013 dated 20.05.2013 registered under Sections 304B and 201/34 of the Indian Penal Code.

The allegation against the petitioner is that his wife is traceless and the apprehension raised is that she has been done to death.

Learned counsel for the petitioner submits that being the husband, there is no reason for him to kill his wife and that she is missing.

Learned A.P.P. submits that if the contention of the petitioner is *bona fide* then there should have been some steps taken by him to locate his wife and him not moving before any of

the authorities or making endeavours for knowing the whereabouts of his wife, his innocence cannot be readily accepted as, being the husband, it was his prime duty to be responsible for the well being of the wife and further that she has gone missing from the matrimonial home.

Having considered the rival contentions, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders before the court below, within one month from today, and seeks regular bail, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Sujit/-

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