

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.19437 of 2016**

Arising Out of PS.Case No. -44 Year- 2015 Thana -KUTUMBA District-  
AURANGABAD

=====

Jitendra Pal, Son of Rampati Pal, resident of Village-Samda,  
P.S.-Kutumba, District-Aurangabad (Bihar).

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kamendra Pd. Singh, Adv.

For the Opposite Party/s : Mr. A.K. Choudhary (APP)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH**

ORAL ORDER

2     19-05-2016                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,  
arises out of Kutumba P.S. Case No.44 of 2015,  
disclosing offences under Sections 201 and 304(B)/34 of  
the Indian Penal Code.

The petitioner is the husband of the deceased.  
In the First Information Report, registered on the basis of  
written report of the informant, the date of marriage  
between the petitioner and the deceased is not

mentioned.

Learned counsel for the petitioner has submitted that the marriage had taken place merely 10 years before the date of death of the deceased. It has been submitted that a false allegation has been made in the First Information Report that the petitioner and his family members had cremated the dead-body of the deceased without informing the informant. It has further been submitted that the deceased was being treated in P.M.C.H., Patna, and in course of treatment, she died. According to him, the informant had full knowledge of the fact that the deceased was being treated at P.M.C.H., Patna. Learned counsel for the petitioner has further submitted that as a matter of fact, the informant had participated in the cremation of the deceased too. In support of this submission, learned counsel for the petitioner has placed reliance upon certain photographs, brought on record by way of Annexure-3 to this application.

Considering the submission, as above, and the fact that there has been some delay in lodging the First Information Report, this application is allowed. Let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within six weeks, be

released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate, Ist Class, Aurangabad**, in connection with **Kutumba P.S. Case No.44 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J.)**

Praveen-II/-

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