

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16021 of 2016

Arising Out of PS.Case No. -317 Year- 2015 Thana -NARPATGANJ District- ARRARIA

1. Ranjan Gupta S/o Krishna Kumar Gupta Resident of Village -
Bhairoganj, P.S. - Narpatganj (Bashmatiya), District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Dr. Rabindra Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 24-06-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner being the husband apprehends his arrest in connection with a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that though he is the husband, the death of his wife Anju Gupta occurred on account of the fact that she met with an accident while cooking food in the courtyard. He further submits that soon after the occurrence, she was taken to the hospital for further treatment and, thereafter, she was taken away to Kathmandu for better treatment, but she succumbed to her injury. It is submitted that the family of the deceased was also informed who came and participated during the

course of treatment and after a lapse of seven days, she succumbed to her burn injuries.

Learned counsel for the State after perusal of the case diary submits that the certain portions of the case diary which goes to indicate that, in fact, the victim lady was cooking meals in the Angan and that half cooked meat was present at the place of occurrence. It is further submitted that since the petitioner is the husband in a case under Section 304(B) of the Indian Penal Code, he is not entitled to grant anticipatory bail. He has drawn the attention of this Court to the fact that the First Information Report, in question, was lodged after seven days as an afterthought for which no plausible explanation has been given.

Considering the entire facts and circumstances of the case and also noticing the fact that there is delay in lodging of the First Information Report as the informant had come to the place of occurrence on the very same date i.e. 20.07.2015 and since there is material in the case diary to indicate that there was some sort of accidental fire, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned

Chief Judicial Magistrate, Araria in connection with Narpatganj
(Bashmatiya) P.S. Case No. 317/2015, subject to the conditions as
laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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