

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46834 of 2015

Arising Out of PS.Case No. -294 Year- 2014 Thana -WAJIRGANJ District- GAYA

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1. Ajay Chaudhary Son of Sheo Lal chaudhary
2. Dhaneshwar Chaudhary son of Sheolal Chaudhary
3. Ramautar Chaudhary Son of Sheo Lal chaudhary All resident of Village Mahuet P.s Wazirganj District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 25-02-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners being elder brothers in law of the deceased lady are apprehending their arrest in connection with Wazirganj P.S. Case No. 294 of 2014 registered for offences punishable under Sections 328, 302, 201/34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Learned counsel for the petitioners submits that there is no material on record to show that these petitioners have indulged in the act of doing the deceased to death, who is said to have

taken the poison. He submits that the husband of the deceased has not been made accused in the present, though they were not having good relations between themselves and he had gone out to earn his livelihood and has not come back for a very long period.

Learned counsel appearing on behalf of the State, after perusal of the case dairy submits that for the reasons best known to these petitioners, the petitioners hurriedly picked up the dead body of the lady and rushed to cremate her and it was only during the course of cremation, the informant could reach there.

Having heard the parties and considering all the facts and circumstances, this Court feels that the very act of removal of the dead body of the deceased and the act of the petitioners to cremate the body in surreptitious manner without informing any of the family members including the husband of the deceased, places the petitioners under cloud and, as such, I am not inclined to grant the anticipatory bail to these petitioners. It is accordingly rejected.

(Anjana Mishra, J)

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