

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2832 of 2016

Arising Out of PS.Case No. -189 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Shesh Nath Singh Son of Ramdahin Singh, a resident of village Fatehpur,
P.S. - Desri (Sahdei), District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Opposite Party/s : Mr. Ajay Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Desri (Sahdei) P.S. Case No. 189 of 2014 registered under
Section 304-B/34 of the Indian Penal Code.

It is contended that the deceased died due to internal
haemorrhage and in presence of the informant the dead body was
cremated regarding which UD case was registered on 11.05.2014
and perusal of the same would reveal the reality of the matter. In
the said UD case the informant Rubi Devi has clearly stated that
the deceased died a natural death due to illness. However, after
lapse of about three months the present FIR has been registered on
04.08.2014 narrating a completely different story. It is contended

that the present case has been instituted with ulterior motive in order to black-mail the petitioner.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail.

Regard being had to the inordinate and undue delay of about three months in instituting the case by the informant despite there being knowledge of the death of the deceased, in the event of arrest or surrender before the court below within six weeks from today, the petitioner Shesh Nath Singh is directed to 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 the learned Judicial Magistrate 1st Class, Hajipur, Vaishali in connection with Desri (Sahdei) P.S. Case No. 189 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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