

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17773 of 2016

Arising Out of PS.Case No. -120 Year- 2011 Thana -SARAIYA District- MUZAFFARPUR

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Nand Kumar Tiwary, Son of Raj Narayan Tiwary, Resident of Village-
Ajijpur, P.S Saraiya, District Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection
with Saraiya P.S. Case No. 120/11 for offences alleged under
Sections 302 of the Indian Penal Code.

The prosecution case, as lodged by the
informant, is that on 19.04.2011 at 6.00 A.M. he got
information on his mobile that mother-in-law of his daughter
has burnt her to death and when he reached there he found
some burnt straw behind the house and in front of house
gallon of kerosene oil and match box.

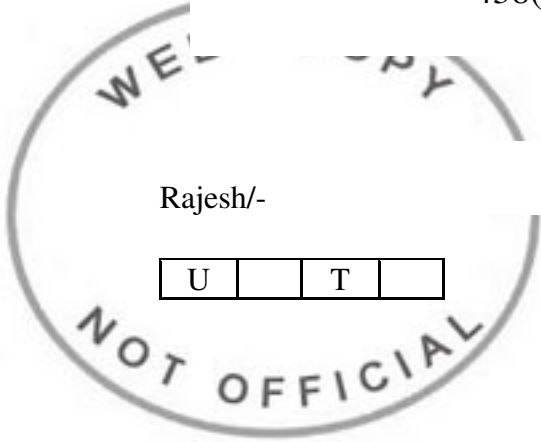
It has been submitted by the learned
counsel for the petitioner that the petitioner resides at Giridih,

was in a private job and that the petitioner is not named in the First Information Report. He further submits that the allegation is only against the mother-in-law of the deceased, who caused death of his wife Bina Kumari. It has further been submitted that there was no eye-witness to the said occurrence and later on the basis of protest petition informant has supplemented First Information Report and implicated the petitioner as an afterthought.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report but the allegation is of very serious nature and the petitioner being the husband is not entitled to the privilege of anticipatory bail.

Since the petitioner is not named in the First Information Report and the allegation is only upon the mother-in-law, who caused death of the informant's daughter, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur, in connection with Saraiya P.S. Case No.

120/11, subject to the conditions as laid down under Section
438(2) Cr.P.C.



Rajesh/-

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(Nilu Agrawal, J.)