

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58127 of 2015

Arising Out of PS.Case No. -189 Year- 2015 Thana -PAKARIBARAW District- NAWADA

1. Anil Singh Son of Shri Shidheshwar Singh Resident of village
Konandpur, P.S. Pakribarawan, District Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Nirmala Kumari (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 17-03-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Pakribarawan P.S.Case No. 189 of 2015 instituted under Sections 304(B)/34 of the Indian Penal Code, pending in the Court of Sri Neeraj Kishore Singh, Judicial Magistrate, 1st Class,Nawadah.

The allegation against the petitioner is of killing the sister of the informant by pressing her neck.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no eye witness to the alleged occurrence. From perusal of Post Mortem Report it is apparent that there is no external or internal injury on the body of the deceased. There is no demand of dowry, as

alleged in the FIR. Hence no offence under Section 304(B) IPC is made out against the petitioner. The deceased had some dispute with the husband, who was working at Surat and in retaliation she has committed suicide. The petitioner is an old man. Other co-accused have been granted anticipatory bail vide Cr. Misc. No. 56142 of 2015.

On behalf of the State, it is submitted that the petitioner is named in the FIR and from perusal of FSL report it is evident that poison was found in course of chemical examination in the viscera.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner and same is rejected.

Any how, if the petitioner surrenders in the court below and pray for regular bail, same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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