

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45462 of 2017**

Arising Out of PS.Case No. -198 Year- 2016 Thana -BIBHUTIPUR District- SAMASTIPUR

=====

Avinash Pathak Son of Arvind Pathak, resident of Village- Shakhmohan,  
P.S.- Bibhutipur, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Sri Satyavarat Verma, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL ORDER**

4      30-11-2017

Heard learned Counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises  
out of Bibhutipur Police Station Case No. 198 of 2016,  
disclosing offences under Sections 341, 323, 326, 304B and 34  
of the Indian Penal Code.

Learned counsel for the petitioner has submitted that  
the petitioner, who is of clean antecedent, is innocent and has  
not committed any offence. In fact, the occurrence is said to  
have been taken place on 07.07.2017 whereas the F.I.R. has  
been lodged on 22.08.2017 after lapse of one and half months,  
which itself creates doubt over the prosecution version. As a  
matter of fact, when the deceased was cooking, she caught fire,



resultantly, she got burnt injury and the petitioner has tried his level best to save her life by providing the proper treatment, which is evident from the annexure-2 to the supplementary affidavit, but the life of the deceased could not be saved. The petitioner happens to be husband of the deceased has neither demanded any dowry nor assaulted her in any manner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 Additional Chief Judicial Magistrate-IV, Rosera, Samastipur, in connection with Bibhutipur Police Station Case No. 198 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Arvind Srivastava, J)**

brajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

