

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3789 of 2017

Arising Out of PS.Case No. -79 Year- 2016 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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Bhupendranath Jha @ Sonu, son of Sri Pitendra Nath Jha, resident of
Mohalla Mohammadi,PS-Patahi, District-East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-02-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
Patahi P.S.Case No. 79 of 2016 registered for the offences
punishable under Sections 304B and 201/34 of the Indian Penal
Code.

It has been submitted on behalf of the petitioner that
earlier the case has been lodged under Section 304B but later on
charge-sheet has been submitted under Sections 302 and 201/34 of
the Indian Penal Code and there is no evidence to show complicity
of the petitioner and there is no material against the petitioner
except he is husband. However, it is alleged that dead body was
disposed of in absence of her family members but the informant
was informed but he had not come and the petitioner is in custody



since 12.7.2016.

Heard learned APP also, who has opposed the prayer for bail.

Having heard both sides and considering the fact petitioner is husband of the deceased and further dead body was disposed of without informing the informant and charge-sheet has been submitted against the petitioner under Section 302 IPC, I am not inclined to grant the petitioner on bail at this stage.

However, the petitioner will be at liberty to renew his prayer for bail after framing of charge before the court below itself and the learned court below will dispose of the same on its own merit, without being prejudiced by this order, and also on the basis of the materials available on the record.

With the above observations, this application is disposed of.

(Vinod Kumar Sinha, J)

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