

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21366 of 2017

Arising Out of PS.Case No. -700 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Sunil Kumar @ Sunil Kumar Dutt Son of Late Hazari Prasad Resident of
Village - M.G. Marg, Hajipur, P.S. - Khagaria, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 12-07-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Khagaria P.S. Case No. 700 of 2016/ G.R. No. 2624 of 2016 for the offences punishable under sections 342, 326, 307 and 498 (A) of the I.P.C.

The petitioner became ready to sell the Scorpio vehicle which was opposed by the informant-deceased and then the petitioner started abusing her and then she told to commit suicide and thereafter the petitioner poured kerosene oil and burnt her. She informed telephonically to her family members in Maiké and then her sister and others came and brought her for treatment at Sadar Hospital, Khagaria. The petitioner was in drunken state.



Submission is of false implication and that the informant has not given any statement, she was not in a position to give statement, she was preparing tea on the gas stove and at that time she received burn injury, the father of the informant-deceased vide paragraph-8 of the case diary has stated that when regained sense she stated that husband has not burnt her rather at the time of making tea she received burn injury from the gas stove and thereafter she died and that statement is before death and as such it may be treated as dying declaration, in view of statement of father of the deceased the petitioner deserves sympathetic consideration, further the petitioner and his family members have brought the informant at the hospital for treatment which is also evident from the statement of father of the deceased.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner but fairly submits that father of the deceased has not supported the prosecution version and further mother of the deceased has also not supported the prosecution version; vide paragraph-9 of the case diary.

In the facts and circumstances as stated above, considering the statements of father and mother of the victim deceased, the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this



order shall 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. C.J.M. Khagaria in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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