

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51289 of 2017

Arising Out of PS.Case No. -539 Year- 2017 Thana -SAHARSA District- SAHARSA

=====

1. Dharmendra Kumar Singh @ Dharmendra Kr. Singh, aged about 35 years, Son of Late Shankar Prasad Singh @ Ramashish Singh, resident of Dharahara, P.S.- Dharahara, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Sharma

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Sadar P.S. Case No. 539 of 2017 instituted for the offence under Section-302 of the Indian Penal Code.

It has been submitted that the deceased died of burn injury while cooking food and this petitioner being husband also sustained injury and he got treatment in private clinic.

Initially, U.D. case was registered on the basis of written report of the informant. Subsequently, after postmortem report, the FIR was lodged by SI of police against this petitioner for the offence under Section-302 IPC and the aforesaid U.D. case was converted into a case of murder against this petitioner who was husband of the deceased.



The postmortem report has been enclosed as Annexure-4 wherein the doctor has found that the death was due to asphyxia resulting from strangulation as well as burn injury.

Counsel for the petitioner has pointed out various prescriptions of the petitioner of private clinic namely, Surya Clinic, Appollo Burn Hospital which is enclosed as Annexure-3 series which shows that he was admitted initially in Surya Clinic on 31-01-2017, and was discharged on 02-01-2017. Thereafter, he was again admitted in Appollo burn Hospital on 02-02-2017 after more than one month of discharge from Surya Hospital.

In such circumstances, the documents filed by the petitioner of Surya Clinic and Appollo Burn Hospital itself falsify his total defence that he also sustained burn injury in course of saving the deceased. The certificate issued from Appollo Burn Hospital dated 20-03-2017, shows that he was under treatment from 31-01-2017 to 24-03-2017.

It has been submitted by the counsel for the informant that the petitioner is a police constable and he has managed the police. Thereafter a certificate has been issued from the Appollo Burn Hospital wherein it has been mentioned that he was under treatment from 31-01-2017 to 24-03-2017 whereas from the prescription of Surya Clinic, it will appear that he was admitted



on 31-01-2017 and discharged on 2-1-2017.

In such circumstances, this court is not inclined to grant anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail is rejected.

The petitioner is directed to surrender in the court below and seek regular bail which will be considered and disposed of on its own merit without being prejudiced by this order in accordance with law.

(Sanjay Priya, J)

A.K.V./-

U		T	
---	--	---	--

