

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7148 of 2017

Arising Out of PS.Case No. -169 Year- 2015 Thana -GORICHAK District- PATNA

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1. Upendra Bind @ Upendra Singh, Son of Shuwal Bind, Resident of
village - Kaji Bigha, Police Station - Gaurichak, District - Patna

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shyamal Prakash, Advocate

For the Opposite Party : Mr. Sri Shyam Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Gaurichak P.S. Case No. 169 of 2015, registered for the
offences punishable under Sections 302, 201/34 of the Indian
Penal Code.

Allegedly, Bhabita Devi the daughter of the
informant married with the petitioner and having three daughters
was burnt to death by the petitioner and other in-laws and further
the dead body was also burnt without awaiting arrival of the
informant.

Submission is of false implication and that during
investigation in para 8 Sato Bind, in para 11 Balkishun
Chaudhary, in para 17 Pintu Paswan and in para 12 Arun
Chaudhary of the case diary, all have stated that the deceased
burnt herself, she was mentally ill, earlier also she has jumped



from the roof and further one of the daughter Parwatiya has stated that her mother burnt herself. The petitioner has not committed any offence and this case has been lodged falsely, there was cordial relation between petitioner and his wife but the wife of the petitioner was mentally ill, resulting, she burnt herself, she was being brought for treatment, but in the way she was dead, the information was given to the informant and in his presence the dead body was cremated and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that in other paragraphs of the case diary the witnesses have supported the prosecution version.

In the facts and circumstances as stated above, considering that the dead body was cremated without the arrival of the informant and further no information was given to the police though it was an unnatural death and, as such, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Gaurichak P.S. Case No. 169 of 2015, pending in the Court of Sri Anant Kumar, learned Judicial Magistrate, Patna City, Patna.

(Jitendra Mohan Sharma, J.)

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