

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36031 of 2018

Arising Out of PS.Case No. -152 Year- 2018 Thana -PHULWARI District- PATNA

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Sunil Saw S/o Rameshawar Saw, resident of village- Kurji, P.S.- Phulawari Sharif, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Phulwari Sharif P.S. Case No.152 of 2018 registered under Sections 302 and 201 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that admittedly the wife of co-accused Ajit Saw died in her matrimonial home after fifteen years of marriage. In the FIR it has been alleged that Ajit Saw had demanded rupees one lac after few days back and for non-fulfillment of demand he administered poison to his wife as a result of which she died. The only allegation against the petitioner is that he along with others had participated in disposing of the dead body. The contention is that even on admitted case of the prosecution as far as the petitioner is



concerned at best offence under Section 201 of the Indian Penal Code would be attracted which is bailable in nature. It is further contended that the entire allegations made in the FIR are based of assumption and presumption and the fact of the matter is that wife of Ajit Saw died a natural death and where-after she was cremated.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the submission that even of admitted case of the prosecution at best a case under Section 201 of the Indian Penal Code would be attracted against the petitioner, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to 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 Session Judge-cum-A.C.J.M., Patna in connection with Phulwari Sharif P.S. Case No. 152 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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