

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61161 of 2017

Arising Out of PS. Case No.-58 Year-2017 Thana- KHARIK District- Bhagalpur

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Jitendra Kumar son of Turanti Mahto, resident of village Athania, Police station Kharik, District Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. HUMAYOU AHMAD KHAN

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in Kharik P.S. case No.58 of 2017 registered under Sections 326, 307, 498A of the Indian Penal Code but later on Section 304B of the I.P.C. has been added, pending in the court of Additional Chief Judicial Magistrate IInd, Naugachia, in the district of Bhagalpur.

Allegation against the accused persons including the petitioner is that they poured kerosene oil on the body of the deceased and set her on fire, due to which she sustained burnt injuries and during treatment she succumbed to death.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The



petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence. The deceased had died due to accidental fire.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is on him to explain the cause of death of the deceased. The postmortem report also supports the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory is rejected.

(Sudhir Singh, J)

Narendra/-

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