

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54816 of 2018

Arising Out of PS. Case No.-105 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

Sushil Kumar Gautam @ Akshay Kumar Gautam @ Munna Kumar Gautam,
son of Late Ashok Kumar Gautam, resident of Village- Amarpur, P.S.
Makhdumpur, District- Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prakash Chandra Jha, Advocate.
For the Opposite Party : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that on 04.04.2018
at about 3.00 A.M., the informant got information on phone that
his sister was killed by strangulation. On this information, he
alongwith co-villagers reached at Village-Amarpur where he
came to know that his sister was killed by this petitioner besides
co-accused Siyamani Devi and her dead body was submitted to
fire with a view to conceal the evidence. It is also stated that the
deceased was married in the year 2006 and since thereafter,
some altercation took place between them for demand of money.



His sister has male child, aged about 6 years who was also concealed. The informant suspected that the accused persons might have killed the said child.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence. From perusal of Annexures 2 and 3, it is evident that the victim was suffering from illness and due to the same, she died.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R and he is the husband of the deceased. The onus is on him to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Makhdumpur P.S. Case No. 105 of 2018, pending in the court of learned S.D.J.M., Jehanabad.

Anyhow, if the petitioner surrenders and prays for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this



order of the Court.

(Sudhir Singh, J)

U.K./-

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

