

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8074 of 2018

Arising Out of PS. Case No.-57 Year-2017 Thana- BELA INDUSTRIAL, District-
Muzaffarpur

Sumit Kumar, S/o Ashok Kumar, Resident of SSB Camp, P.S.-Bela, District-
Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 28-03-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bela P.S. Case No.
57 of 2017, instituted for the offence under Sections 302/34 of
the IPC.

It is alleged in the written report that husband of the
informant went with this petitioner, who is driver in SSB, after
receiving his phone call. It is further alleged that at 5.00 a.m. in
the morning, this petitioner brought the husband of the
informant on his shoulder and went away after putting him in
the house and told that the deceased sustained electric shock. It
is alleged that later on she found her husband dead.

Learned counsel for the petitioner has submitted that
case diary has been received, wherein, witnesses have stated
that the dead body of the husband of the informant was brought



on the shoulder of this petitioner, but there was no eye witness to the alleged occurrence. Counsel for the petitioner also pointed out that in post-mortem report, there were injuries on knee of deceased and opinion with regard to cause of death was kept reserved.

This court is of the view that the petitioner brought the dead body of husband of informant (since deceased), just after one hour of taking the husband of informant with him, then it was his duty to inform the cause of death. He disclosed the cause of death to wife (informant) of deceased, as electric shock and fled away. But in post-mortem report, the injury was found on knee of the deceased.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, this anticipatory bail petition stands rejected.

The petitioner is directed to surrender in the court below within six weeks from date of receipt of the order and seek regular bail which shall be considered by the court below in accordance with law and disposed off without being prejudiced by this order.

(Sanjay Priya, J)

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