

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40781 of 2018

Arising Out of PS.Case No. -42 Year- 2017 Thana -PANAPUR District- SARAN

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Guddu Ray @ Guddu Kumar @ Guddu Rai, S/o Shri Parma Rai @ Brahma Rai, R/o Vill.- Semarahiya, Marhaura, District- Saran (Chapra).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar, Advocate.

For the Opposite Party : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-08-2018 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 304(B), 498(A) and 201 of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioner killed the victim due to non-fulfilment of demand of dowry.

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 been made accused in the present case due to mistake of fact. The deceased is alleged to have died at



the time of delivery of child on 30.04.2015. After 14 days of death of the deceased, a complaint case was filed which came to be registered an F.I.R. under Section 156(3) Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case. The petitioner is husband of the deceased. The onus is upon the husband to explain the cause of death of the deceased who was wife of the petitioner. The material available in the case diary does not support the contention made on behalf of the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Panapur P.S. Case No. 42/17 (G.R. No. 1621/2017), pending in the court of learned A.C.J.M. IV, Saran (Chapra).

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

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(Sudhir Singh, J)

