

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5700 of 2018

Arising Out of PS.Case No. -546 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Bhupendra Singh @ Gulu @ Guddu S/o Late Prem Singh, R/o Village-
Sion, P.S.- Bhabua, Distric Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adovcate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Bhabua P. S. Case No.546 of 2017 registered under
Sections 304-B/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that for an alleged occurrence which came to the
knowledge of the informant on 16.05.2017, a complaint was
filed after three months on 17.08.2017 and in complete breach
of the ratio laid down by the Supreme Court in **Priyanka
Srivastava and Anr. vs. State of Uttar Pradesh [(2015) 6
SCC 287]**, the learned Magistrate referred the complaint to the



police for investigation under sub-section (3) of Section 156 of the Cr.P.C. pursuant to which the FIR has been instituted under Section 304-B of the Indian Penal Code ignoring the fact that the complainant has clearly stated in the complaint that the marriage of the petitioner had taken place with his daughter 20 years back. He submitted that the deceased was blessed with a daughter and a son aged 15 years and 13 years respectively and she died in course of treatment at BHU Hospital, Varanashi.

On the other hand, learned counsel for the State submitted that though there is some delay in institution of the FIR and institution of the FIR is under Section 304-B of the Indian Penal Code despite the fact that the marriage had taken place 20 years back, the petitioner does not deserve pre-arrest bail, as he is alleged to have killed his wife.

Considering the nature of allegation and the submissions made above on behalf of the parties, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in Bhabua P. S. Case No.546 of 2017, G. R. No.2075 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure,



in the event of arrest or surrender before the court below within
six weeks from today.

(Ashwani Kumar Singh, J.)

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