

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54016 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- PALANWA District- East Champaran

Dhananjay Sah @ Dhanjay Sah, Son of Jagdeo Sah, Resident of Village-
Lakshmipur, Police Station- Palanwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar
For the Opposite Party/s	:	Mr. Shyam Kumar Singh
For the Informant	:	Mr. Navin Kumar Singh

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 06-12-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302 of the Indian Penal Code.

The daughter of the informant was married with *Shiv Shankar Sah*, co-villager of the petitioner. She was mother of small children. The petitioner had same affairs with the victim and on one occasion the petitioner wanted to establish physical relation with her. She fled away to her house. The petitioner allegedly chased and set her on fire, as a result whereof she died.

Submission of learned counsel for the petitioner is that the occurrence allegedly took place on 24.02.2018. The matter was reported to the Police only after death of the victim after one month



of the treatment on 20.03.2018. There is no reasonable explanation for non-report to the Police, if the informant was an eyewitness of the fact that petitioner had set fire on the victim. Moreover, some of the witnesses stated that since husband of the victim had come to know about the affairs of the victim, she herself committed suicide.

The aforesaid infirmity in the prosecution case in not reporting the matter to the Police creates doubt on the prosecution version for the purpose of consideration of prayer for anticipatory bail. Hence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Palanwa Police Station Case No.31 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

abhishek/-

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

