

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13872 of 2018

Arising Out of PS.Case No. -827 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Brijesh Pandey @ Brajesh Kumar @ Brajesh Pandey, S/o- Gobardhan Pandey, Resident of Village- Chhariyari, P.O. & P.S.- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bachaspati Pandey, S/o- Late Kamala Pandey, Resident of Village- Saraiya, P.O. & P.S.- Dariyapur, District- Chhapara (Saran).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Advocate.
For the informant : Mr. Sunil Srivastava, Advocate.
For the State : Smt. Pronati Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 827 of 2015/Tr. No. 1692 of 2016** instituted for the offence under Sections 304(B)/34 of the Indian Penal Code.

Petitioner is husband of the deceased.

Learned counsel for the petitioner has submitted that police after investigation submitted final form in the case stating that the deceased died due to heart ailment but on the basis of protest petition, the court below has taken cognizance against the petitioner.

Learned counsel for the informant has appeared and



submitted that there is no any chit of paper to show that the deceased was earlier suffering from any heart ailment and any treatment was done by the petitioner. The deceased died in her matrimonial house and after submission of final form, the informant has filed protest petition. The learned Magistrate after looking into the materials brought during enquiry, took cognizance against the petitioner and other accused persons.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which will be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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