

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37442 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -BANIAPUR District- SARAN

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Ranjit Sah, Son of Mohan Sah, Resident of Village- Paigambarpur, P.S.-
Baniyapur, District- Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 09-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in Baniyapur P.S.
Case No.9 of 2018 instituted for the offences under Sections
304B, 201, 384 and 34 of the Indian Penal.

In the present case, a complaint case has been filed by
making statement that marriage was solemnized with petitioner
and during that period informant/complainant had gone to the
State of Assam to his son where she had fallen ill, when she
returned back she tired to find out her daughter then it was
informed that she had been killed and the dead body has been
disposed of. An application has filed by the informant before
the Chief Judicial Magistrate, Chapra and he sent the case to
the police for registration of regular case. Accordingly police
registered the case which is under investigation.



Learned counsel for the petitioner submits that case has been lodged after a long delay as the alleged offence has taken place on 07.04.2015, but the complaint case has been lodged on 27.02.2017. The complainant has given the explanation that during that period she was not there, she has gone to Assam for treatment of her son. Further, learned counsel for petitioner submits that victim was also treated in hospital and death certificate has been issued by the hospital. It has been further said that in the complaint petition allegation has been made against mother-in-law and Nanad and there is no allegation against the husband. In the complaint petition petitioner has not been given clean chit and genuineness of certificate will be looked by the investigating agency.

The marriage was solemnized with the husband and it is primary duty of the husband to look after and protect his wife.

In such view of the matter, this Court is not inclined to enlarge the petitioner on anticipatory bail. Accordingly the prayer for bail is rejected. However, if the petitioner surrenders before the court below within a period of three weeks, the court below will pass an order on its own merit taking into consideration all the points taken by the petitioner here without being prejudiced by the order passed by this Court.

(Shivaji Pandey, J)

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