

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.8451 of 2019**

Arising Out of PS. Case No.-114 Year-2017 Thana- HATHAURI District- Samastipur

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SURENDRA DAS @ SULINDRA DAS, Gender-Male, aged about 30 Yrs.,  
Son of Kapleshwar Das, Resident of village Dasout, P.S.-Shivaji Nagar OP,  
District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Siddhartha Prasad, Adv.

For the Opposite Party/s : Mr. Rajeev Nayan, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**ORAL ORDER**

2      13-02-2019                      The petitioner, who is the husband of the  
  
deceased, seeks bail in anticipation of his arrest in  
  
connection with Hathauri P.S. Case No. 114 of 2017, dated  
  
17.12.2017, instituted for the offences under Sections  
  
304(B) and 120(B)/34 of the Indian Penal Code.

According to the F.I.R., the deceased was  
  
strangled to death on the orders of the petitioner.

Mr. Siddhartha Prasad, learned Advocate for the



petitioner has submitted that if this allegation is accepted to be correct, then the petitioner is only an order giver. However, he does not rest at that and submits that since he is the husband of the deceased, he cannot take advantage of this particular role of being an order giver only. He has submitted with reference to the *post-mortem* report that though there is a ligature mark on the neck, but that mark is suggestive of a suicidal death. The deceased had hung herself from the ceiling. It has further been submitted that the absence of any struggle mark on the body of the deceased, lends credence to the aforesaid proposition of the petitioner.

Apart from the aforesaid fact, Mr. Prasad, learned Advocate has submitted that the petitioner had been living separately from the deceased for a long time and an informatory petition also had been filed by him as a cloak of protection, intimating to the concerned executive authority that the deceased was temperamental in nature and could resort to any act to harm herself or others for which, the petitioner ought not to be held responsible.



Considering the aforesaid facts, the other accused persons of this case, who are alleged to have taken proactive part in strangulating the deceased, have been granted anticipatory bail.

However, considering all these facts, but taking into account the special relationship of the petitioner with the deceased, this Court is not inclined to grant anticipatory bail to him.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.

However, should the petitioner surrender before the Court below and seek regular bail, the Court below shall look into all the aforesaid submissions urged on behalf of the petitioner here and shall pass an order in accordance with law, on its own merits, without being at all prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

**(Ashutosh Kumar, J)**

Praveen-II/-

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