

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25302 of 2019

Arising Out of PS. Case No.-526 Year-2018 Thana- SITAMARHI District- Sitamarhi

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BIPUL KUMAR Son of Kishori Ray, Resident of Village- Govind Fandah,
Ward No.3, P.S- Sitamarhi (Punaura O.P.), District- Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is the husband of the deceased and is seeking anticipatory bail in connection with Sitamarhi P.S. Case No. 526 of 2018 registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is no specific allegation against the petitioner and that it is a case of false implication after thought because the materials revealed in course of investigation would show that the family members of the deceased were present at the time of cremation.

On the other hand learned counsel for the State has opposed the prayer of anticipatory bail. It is submitted that it has



come in the case diary that seven days after the cremation of the dead body of the victim, the informant and his family got information. It is submitted that the death has taken place in the matrimonial house and in the nature of the materials collected in course of investigation, the petitioner does not deserve privilege of anticipatory bail.

Having heard learned counsel for the petitioner and learned APP for the State, finding that the petitioner is the husband and the allegation is that the dead body of the deceased was cremated behind the back of the informant's family and the information in this regard was given only after seven days, this Court is not willing to extend the benefit of anticipatory bail to the petitioner. The application is dismissed.

In case the petitioner surrenders in the court below and prays for regular bail within a period of four weeks from today, his prayer of regular bail shall be considered on its own merit.

(Rajeev Ranjan Prasad, J)

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