

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34425 of 2019

Arising Out of PS. Case No.-92 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

DEEPAK RAJ @ DEEPAK RAJA, aged about 28 years, Gender – Male, Son of Dayanand Singh Resident of Village - Kalyanipur, P.S.- Chainpur, Distt - Kaimur (Bhabua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Sunil, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner, in the present case, is the husband of the deceased is seeking anticipatory bail in connection with Chainpur P.S. Case No. 92 of 2019 registered under Sections 304(B), 34 of the Indian Penal Code, pending in the court of learned Additional Chief Judicial Magistrate – II, Kaimur (Bhabua).

Learned counsel for the petitioner submits that the father-in-law of the petitioner has lodged the present case two days after the alleged occurrence. He was very much present in the hospital where the deceased was admitted after receiving burnt injuries, and in presence of the informant the cremation had taken place. This petitioner is also said to have received injuries while saving his wife. Learned counsel further submits



that father of the deceased after lodging the F.I.R. has submitted an affidavit in the court below saying that he has entered into a settlement and the same may be permitted.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, as according to him, the fact that there has been a settlement after lodging the F.I.R. will not be of much consequence. It is further submitted that the burnt injuries having been caused inside the matrimonial home is still subject to investigation.

In the given facts and circumstances of the case, this court is not inclined to grant anticipatory bail to the petitioner, for the reason that the manner in which the deceased has received burnt injuries is still subject to investigation.

If the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit on the basis of the materials available on the record without being prejudiced by the order rejecting his prayer for anticipatory bail.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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