

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57885 of 2019

Arising Out of PS. Case No.-393 Year-2018 Thana- TEKARI District- Gaya

SANTOSH KUMAR SINGH Son of Suresh Sharma @ Suresh Prasad Singh
Resident of Village - Mahmadpur, P.S.- Tekari (Panchananpur O.P.). District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Tekari (Panchananpur) P.S. Case no. 393 of 2018,
registered under Sections 324, 326, 307, 498A/34, 120B and
302 of the Indian Penal Code.

Petitioner who happens to be husband of the
deceased is said to have performed second marriage with one
Jyoti Kumari and taking the second wife at his house he asked
the deceased to vacate the house. When the deceased made
complaint with her in-laws, they also tried to drove her out of
her marital house and all the accused persons including the
petitioner thrashing her set her ablaze by pouring kerosene oil



on her. However she was rushed to the hospital by the locals but she succumbed to her burn injuries during the course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. Deceased has herself set her ablaze. Father-in-law of the deceased had rushed her to the hospital but she could not be saved. Allegation levelled against the petitioner is not specific rather general and omnibus in nature. I.O. after investigation of the case has submitted charge sheet under Section 306 IPC and not under Section 302 IPC. Petitioner has no criminal antecedent. Hence he may be enlarged on bail.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that the deceased in her fardbeyan has specifically stated that petitioner has performed second marriage with some other lady and petitioner and his family members tried to drove her out of her marital house and thrashed and set her ablaze by pouring kerosene oil upon her. Daughter of the deceased in Para-21 of the case diary has stated that his father oftenly indulged in quarrel with her mother. Other witnesses in the case diary have also supported the occurrence. Hence the petitioner does not



deserve anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the petitioner in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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