

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59155 of 2019**

Arising Out of PS. Case No.-87 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sonu Kumar son of Keshaw Kuwar@ Keshaw Kunwar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena
For the Opposite Party/s : Mr.Nityanand

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State and learned

counsel for the informant.

Petitioner apprehends his arrest in connection with

Motihari Muffasil P.S. Case No. 87 of 2019 registered for the

offences punishable under Sections 304B, 201 and 34 of the

Indian Penal Code.

Admittedly, petitioner happens to be husband of

the deceased, who died in mysterious circumstance at her

matrimonial home.

Submission on behalf of the petitioner is that

according to the prosecution case itself, the deceased died

between 05.03.2019 to 06.03.2019 and Annexure-3 to the



petition goes to show that on 06.03.2019, petitioner was in Hyderabad in connection with his duty and applied for leave which was granted to him with effect from 07.03.2019 and, therefore, the above stated fact goes to show that petitioner was not present at his house when deceased died. However, I am not at all convinced with the aforesaid submission because Annexure-3 goes to show that the leave of the petitioner was sanctioned on 06.03.2019. Although the aforesaid leave was made effective from 07.03.2019 but this possibility cannot be ruled out that petitioner might have left Hyderabad on 06.03.2019 itself.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to extend the privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail petition stands rejected.

However, it is made clear that observation given in this order shall not prejudice to the court at the time of consideration of regular bail application of the petitioner.

(Hemant Kumar Srivastava, J)

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