

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.716 of 2020**

Arising Out of PS. Case No.-9 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

SHAMBHU CHAUBEY Son of Ram Kishore Chaubey Resident of Village-  
Maghar, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Prakash Singh  
For the Opposite Party/s : Mr.Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      24-01-2020              Petitioner seeks bail in anticipation of his arrest in connection with Bhagwanpur Hat P.S. Case No. 09 of 2019 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Petitioner happens to be husband of the deceased and allegation against him is of causing death of his wife.

Submission of learned counsel for the petitioner is that marriage was solemnized 12 years ago and in post mortem examination no cause of death was ascertained and viscera was sent for examination.

Heard learned APP, who has opposed the prayer for anticipatory bail on the ground that petitioner is husband of the deceased and for non-fulfilment of demand she was subjected to cruelty, no doubt marriage was solemnized 12 years ago but



death is under unnatural circumstance.

In view of above facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner. However, if he surrenders and prays for regular bail, the same shall be considered on the basis of materials available on the record, including the report of FSL.

This application is, accordingly, dismissed.

**(Vinod Kumar Sinha, J)**

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