

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56986 of 2019

Arising Out of PS. Case No.-451 Year-2018 Thana- CHANPATIA District- West Champaran

SANTOSH PRASAD KUSHWAHA @ SANTOSH KUMAR KUSHWAHA
Son of Sri Triveni Mahto @ Chokat Mahto Resident of Village- Tirhutiya
Tola, Ward No. 08, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-02-2020 Heard the parties.

This application is for grant of regular bail in connection with Chanpatia P.S.Case no.451 of 2018 dated 1.11.2018 for the offences under Sections 304B, 201 and 120B of the Indian Penal Code.

Petitioner happens to be husband of the deceased. There is allegation of causing death of the deceased and cremating the dead body without informing the informant.

Submission of the learned counsel for the petitioner is that as a matter of fact she died due to diarrhea and cold and an affidavit to that effect has been filed by the informant before the court. Petitioner is in custody since 20.5.2019.



Heard learned A.P.P., who has opposed the prayer for bail stating that there is nothing in the case diary to show that she was suffering from diarrhea and the dead body was disposed of without any information.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner at this stage, however, once the informant and his family members have been examined in his case during the trial, the petitioner is at liberty to renew his prayer for bail before the learned court below, who will consider the materials available on the record and pass appropriate order.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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