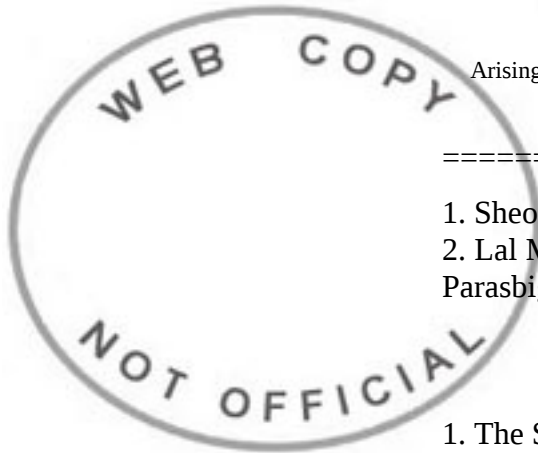


IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33244 of 2014



Arising Out of PS.Case No. -548 Year- 2009 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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- 1. Sheo Dhyan Singh son of late Gariban Sharma .
- 2. Lal Muni Devi W/o Sheo Dhyan Singh resident of village Gonwan ,P.S. Parasbigha , District - Jehanabad.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Madheshwar Singh son of late Ram Chandra Singh resident of village - Kawla ,P.S. -Hilsa , District - Nalanda.

.... Opposite Party/s

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with

Criminal Miscellaneous No.33782 of 2014

Arising Out of PS.Case No. -548 Year- 2009 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

=====

Babloo Sharma @ Rajesh Kumar Son of Sheo Dhyan Sharma resident of village Gonwan, P.S. Parasbigha, Districe - Jehanabad.

.... Petitioner/s

Versus

- 1. State of Bihar
- 2. Madheshwar Singh son of late Ram Chandra Singh resident of village - Kawla ,P.S. -Hilsa , District - Nalanda

.... Opposite Party/s

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with

Criminal Miscellaneous No.45875 of 2014

Arising Out of PS.Case No. -548 Year- 2009 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

=====

Sudarshan Sharma Son of Sheo Dhyan Sharma Resident of Village - Gonwan, P.S. Paras Bigha, District - Jehanabad.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Madheshwar Singh Son of Late Ram Chandra Singh resident of village - Kawla, P.S. - Hilsa, District - Nalanda.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.33244 of 2014)

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

For the Complainant : Mr. Vibhuti Ranjan Somadra

(In Cr.Misc. No.33782 of 2014)

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Uma Nath Mishra (App)

(In Cr.Misc. No.45875 of 2014)

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 23-07-2015

All these three applications under Section 438 CrPC for grant of bail to the petitioners arise out of Complaint Case No.548C/2009 in the court of Additional Chief Judicial Magistrate, Hilsa, District Nalanda.

Apprehending their arrest, the petitioners filed ABP Nos. 276, 412 and 558 of 2014 before the Sessions Judge, Nalanda at Bihar Sharif. Through orders dated 24.5.2014, 5.7.2014 and 16.8.2014, the learned Sessions Judge, Nalanda, dismissed the applications. Hence the petitioners have approached this Court.

Heard learned counsel for the petitioners and the learned Addl. Public Prosecutor.

The allegation against the petitioners is referable to Section 304B IPC and certain other provisions. At one stage, this Court expressed its concern as to how an offence punishable under Section 304B IPC becomes the subject matter of a complaint case. The concerned Police Officer appeared and stated that no complaint was received. The fact however remains that on the date of the incident on 14.7.2009 itself, a complaint under Section 200 CrPC was filed before the court, obviously because the police refused to receive the complaint.

Once the allegation is referable to Section 304B

IPC, this Court is not inclined to grant anticipatory bail to the petitioners. These Criminal Miscellaneous petitions are dismissed.

If the petitioners are so advised, they can appear before the concerned court within four weeks from today and seek regular bail. In case such an application is filed, the trial court shall take up the same forthwith and pass appropriate order duly taking into account the fact that merely six years have lapsed from the date of occurrence and most of the petitioners are distant relations of the deceased.

(L. Narasimha Reddy,CJ)

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