

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4500 of 2016

Arising Out of PS.Case No. -184 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Kamlesh Kumar Sinha son of Ramesh Prasad Sinha R/o Mohalla-
Company Sarai, P.O. & P.S.- Sasaram, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Srivastava son of Chhote Lal Srivastava R/o Village, P.O.
Mohnia Ward No. 6, Badi Bazar, District- Kaimur (Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 02-02-2016

Petitioner being brother-in-law(Behnoi) of the

husband of the victim is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

The prosecution case is that the sister of the complainant was married to Sujit Kumar Sinha on 30.05.1995. On 27.06.2010, the daughter of the victim Sheetal came and informed the informant that her mother has been killed by the in-laws. Hence, accusation was levelled that by causing burnt injury the victim was killed.

It is submitted by learned counsel for the petitioner that victim's statement was recorded by the police where she stated that she received accidental burnt injury while cooking as she took some sedative pills. On conclusion of

the investigation the final form was submitted vide Final Form No. 88 of 2011 on 13.09.2011. The petitioner was not sent up for trial. Vide order dated 17.01.2015 learned Chief Judicial Magistrate accepted the final form and the matter was proceeded on protest which was numbered as Protest-cum-Complaint Case No. 184 of 2015 and consequently vide order dated 08.07.2015 processes were directed to be issued after cognizance being taken under Section 302 of the Indian Penal Code.

Considering the fact that on conclusion of the investigation the petitioner was not sent up for trial, on protest-cum-complaint the cognizance has been taken and the thrust of accusation is against the husband of the victim, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram in connection with Complaint Case No. 184 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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