

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12844 of 2016

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

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1. Sanjit Kumar Sinha @ Sanjit Kumar Singh Son of Bakshi Tarkeshwar Sinha
2. Sunita Sinha wife of Sanjit Kumar Sinha
3. Mala @ Mala Sinha Wife of Sanjay Kumar Sinha
All residents of Mohalla- Company Sarai, P.O. & P.S.- Sasaram, District-
Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kuar Shrivastava son of Late Chotelal Shrivastava resident of
Village and P.S. 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, Advocate

For the Opposite Party/s : Mr. Anita Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-03-2016 Heard learned counsel for the petitioners and the
State.

The petitioner no. 1 being the brother of the husband of the victim, petitioner no. 2 is wife of petitioner no. 1 and petitioner no. 3 being maternal aunt of the victim are apprehending their arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 302/34 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 complainant that her mother has been killed by the in-laws by pouring kerosene oil.

It is submitted by the learned counsel for the petitioner that statement of the victim was recorded by the police where she stated that she received burn injury while cooking food. On conclusion of investigation Final Form was submitted by Final Form No. 88 of 2011 on 30.09.2011. The petitioners were not sent up for trial and consequently, the learned Chief Judicial Magistrate vide order dated 17.01.2015 accepted the Final Form but the matter proceeded on protest which was numbered as Protest-cum-Complaint Case No. 184 of 2015. Consequently vide order dated 8.07.2015 process was directed to be issued after cognizance being taken under Section 302 of the Indian Penal Code differing with the Final Form. The above facts has been incorporated in para-8 of the petition which reads as follows:-

“That after the investigation and direction by the Senior Police Officer, the case was found to be untrue and mistake of fact and accordingly the submitted Final Form against the petitioners named in the F.I.R. vide Final Form No. 88 of 2011 dated 13.09.2011.”

Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the fact that petitioners were not sent

up for trial and cognizance has been taken, the thrust of accusation is against the husband of the victim, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each 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, arising out of Sasaram Model P.S. Case No. 575 of 2010, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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