

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35019 of 2016

Arising Out of PS.Case No. -59 Year- 2014 Thana -TEDHAGACHH District- KISANGANJ

- =====
1. Jamil Akhtar Son of Late Bhadu
2. Sabar Alam Son of Jamil Akhtar Both are resident of Village- Bhag Jhunki, Police Station- Terhagachh in the district of Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 10-11-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioner Nos. 1 & 2 are father-in-law and husband of the deceased respectively and both the petitioners apprehend their arrest in connection with Terhagachh P.S. Case No. 59 of 2014 registered under Sections-304B/34 of the Indian Penal Code.

The contention on behalf of petitioners is that the mother-in-law of the deceased faced trial in Sessions Trial No. 144 of 2015 before the Additional Sessions Judge-II, Kishanganj and after full fledged trial, she was acquitted of the charges as the informant did not support the prosecution case. It is further submitted that on the alleged date of occurrence, petitioner No. 2

was in Gujrat and a quarrel took place between the deceased and her mother-in-law and in anger, the deceased committed suicide.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to grant privilege of bail to the petitioners and accordingly, their prayer for anticipatory bail stands rejected.

However, if, petitioners surrender before the court below and seek regular bail, the learned court below shall dispose of the regular bail application of the petitioners on the date of their surrender on its own merit and after that, if any regular bail application is filed by the petitioners before the learned Sessions Judge, the learned Sessions Judge shall consider the regular bail application of the petitioners on its own merit without being prejudiced by this order, particularly, keeping in mind the factum of acquittal of mother-in-law of the deceased.

(Hemant Kumar Srivastava, J)

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