

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33039 of 2015

Arising Out of PS.Case No. -124 Year- 2010 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Julekha Khatoon wife of Islamuddin Ansari
2. Islamuddin Ansari Son of late Razaque Ansari Both Residents of Village-
Shrikantpur, P.s Rajpur, District Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Smt.Asha Devi (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 03-02-2016 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Kochas P.S. Case No. 124 of 2010, disclosing offences under
Sections 304B, 120B of the Indian Penal Code and Section 3/4 of
Dowry Prohibition Act.

Petitioner No.1 is the mother-in-law and petitioner No.2
is the father-in-law of the deceased.

Learned counsel for the petitioners submits that the
brother of the deceased lodged complaint case before the learned
Chief Judicial Magistrate, Rohtas at Sasaram, 24 days after the
death of the deceased, making a false statement that before the



burial of the deceased, the complainant was not informed. He would submit that the complainant had participated in burial, which fact has emerged in police investigation also. He would further contend that though the place of occurrence is within the District of Buxar, the informant filed a complaint case before the learned Chief Judicial Magistrate, Rohtas and upon reference under Section 156(3) of the Code of Criminal Procedure, the present case has been registered with the Kochas Police Station under Rohtas District which does not have the jurisdiction to investigate the case, the place of occurrence falling within Buxar District.

Without going into the question of the jurisdiction, considering the submission that the complaint petition was filed 24 days after the date of occurrence and there is no direct evidence against the petitioners collected in course of investigation, showing their involvement in demand of dowry or torturing the deceased, this application is allowed.

Let the petitioners, above-named, in the event of their arrest/surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at

Sasaram in connection with kochas P.S. Case No. 124 of 2010, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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