

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36564 of 2016

Arising Out of PS.Case No. -136 Year- 2003 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

1. Shiv Kumar Patwa, Son of Jagarnath Prasad Patwa

2. Urmila Devi, Wife of Shiv Kumar Patwa

Both are resident of Mohalla – Dahiyawa, Police Station – Chapra
Town, District – Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sri Ram Patwa S/o late Motilal Patwa, Resident of Mohalla – Sonar
Toli, Sasaram, P.S. Sasaram Town, District – Rohtas.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 08-09-2016

Heard learned counsels for the petitioners

and the State.

The petitioners being the maternal uncle
and aunt of the husband of the victim are apprehending their
arrest in a complaint case wherein process has been directed to
be issued after cognizance being taken for the offences
punishable under Sections 304B, 498A, 201 of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act.



The prosecution case is that the niece of the complainant namely, Sunita Devi was married with Vijay Prasad Patwa in 2000. For further demand of dowry the torture was inflicted and attempts to kill her by administering poison. On 23.01.2003 when the complainant went to his niece matrimonial house she was found dead. Thereafter, the dead body was disposed of. Hence, the accusation was levelled that by administering poison the victim was killed.

It is submitted by learned counsel for the petitioners that the complaint was filed on 11.02.2003 when the victim died on 23.01.2003 and the complainant has admitted that he came to know about the death and disposing of the dead body on 23.01.2003. There is no specific accusation in the entire complaint against the petitioners. The petitioners are not close family members of the husband of the victim. Subsequently the order of cognizance dated 26.05.2003 was passed by learned SDJM, Sasaram under Sections 304B and 201 of the Indian Penal Code against the petitioners also. The said order was challenged before this Court in Cr. Misc. No. 18223 of 2003 on the ground of lack of territorial jurisdiction to the court which passed the order of cognizance wherein notices were issued to the complainant by a co-ordinate Bench of this Court on



29.05.2004 and the further proceeding of Complaint Case No. 136 of 2003 was stayed. The said quashing application was ultimately disposed of by a co-ordinate Bench of this Court on 03.09.2010 and the complaint case was transferred from the court of learned SDJM, Sasaram to the court of learned SDJM, Saran at Chapra and thereafter the court of learned SDJM, Saran at Chapra directed the process to be issued vide order dated 13.06.2016. Hence, the petitioners could not file the anticipatory bail application.

Considering the fact that the complaint does not depict any specific accusation against the petitioners, further the proceeding was stayed, the case has been transferred from the court of learned SDJM, Sasaram to learned SDJM, Saran at Chapra and now the process has been issued on 13.06.2016, let the above named petitioners be released on anticipatory bail, in the event of 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 Sub-divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 136 of 2003 (Trial No. 45 of 2016), subject to the conditions as laid down under Section 438(2) of the

Cr.P.C.

The learned court below will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions.

(Dinesh Kumar Singh, J)

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