

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47995 of 2015

Arising Out of PS.Case No. -102 Year- 2011 Thana -PATORI District- SAMASTIPUR

Binod Kumar @ Binod Mahto Son of Baldeo Mahto, resident of village - Mahathi, P.s. - Ujiarpur, district - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 02-03-2016

The petitioner being the husband of the victim has renewed his prayer for anticipatory bail in a case registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code.

The accusation is of killing the daughter of the informant within one year of the marriage for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the victim was residing with the petitioner at Haridwar where she committed suicide when UD case was registered. Subsequently complaint case was lodged here which came to be registered as police case on 02.06.2011. Hence, neither the Samastipur court or the Patori P.S. has jurisdiction to entertain

the complaint or registered the case. Though, earlier the prayer for anticipatory bail of the petitioner was disposed of vide order dated 17.01.2013 passed in Cr. Misc. No. 15453 of 2012. The final form was submitted on 31.03.2012 and the petitioner was not sent up for trial but differing with the final form vide order dated 25.06.2015 the learned CJM, Samastipur took cognizance under Sections 306 and 498A of the Indian Penal Code.

In view of the subsequent development, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Patori P.S. Case No. 102 of 2011 pending in the court of learned Chief Judicial Magistrate, Samastipur.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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