

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36492 of 2018**

Arising Out of PS. Case No.-80 Year-2018 Thana- ARARIA District- Araria

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1. Md. Mahboob @ Mahboob, Son of Md. Muslim,
  2. Gopi Rishideo Son of Mahavir Rishideo,
  3. Indal Rishideo Son of Dashrath Rishideo
  4. Rudal Rishideo, Son of Manik Chand Rishideo
  5. Sraddha Devi @ Radha Devi, Wife of Gopi Rishideo,
- Petitioner No. 1, 2, 4, 5 residents of Village- Kheruganj,  
Petitioner No. 3, resident of village- Garaiya, all Police Station-  
Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Rana  
For the Opposite Party/s : Smt. Nirmala Kumari

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      28-06-2018                      Heard learned counsel for the petitioners and learned  
counsel for the State.

In this case, the petitioners are apprehending their  
arrest in connection with Araria P.S. Case No. 80 of 2018 (G.R.  
No. 463 of 2018) registered for offences under sections 147,  
366, 406, 302, 120B/34 of the Indian Penal Code.

The complaint petition which was filed by the  
Complainant before the Chief Judicial Magistrate, Araria and,  
later on, the complaint was converted into a police case as the  
court below sent the matter under Section 356 (3) of the Cr.P.C.  
for registration of criminal case for investigation and, in



pursuance thereof, the case was registered as Araria P.S. Case No. 80 of 2018.

Learned counsel for the petitioner submits that on perusal of the complaint petition, it appears that the offence has been committed not within the jurisdiction of Araria district rather the alleged offence has been committed in New Delhi and, as such, there is no jurisdiction to the court below or to the police to institute a case and start investigation.

Learned counsel for the State submits that nothing wrong in lodging the criminal case and starting investigation.

It is apparent that the offence has been allegedly committed within the jurisdiction of New Delhi which is evident from the complaint petition itself but, the case has been lodged in the State of Bihar.

Looking to the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 80 of 2018 (G.R. No. 463 of 2018), subject to the conditions as laid



down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

**(Shivaji Pandey, J)**

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