

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36023 of 2018

Arising Out of PS.Case No. -417 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

1. Zeba Parween @ Shahin @ Zeba Parveen, daughter of Md. Aslam.

2. Shamima Khatun, wife of Md. Aslam,

Both are residents of Darbhanga Tola Venus Mor Netraj Hotel Gali,
Police Station- Siliguri Sadar, District- Darjeeling (W.B.)

3. Nanhe @ Fakira @ Istekhar Alam, son of Late Md. Suleman, resident of
Afsar Nagar, Police Station- Bhakti Nagar, District- New Jalpaiguri.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Kishanganj P.S. Case No.417 of 2017 registered under Section
306 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners
that the institution of the FIR at Kishanganj is itself an abuse of
process of the court. The admitted fact of the prosecution is that
the husband of petitioner no.1 committed suicide at Oman where
he was working as Graphic Designer whereas the petitioners were
residing at Kishanganj. No part of occurrence has taken place in
India. In that view of the matter, the police at Kishanganj has got
no territorial jurisdiction to investigate the case and even the court



at Kishanganj has got no jurisdiction to hold trial. It is further contended that mere demand of money from husband by a legally wedded wife cannot be termed, by any stretch of imagination, to be a ground for impleading the wife as an accused for committing abetment to suicide.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioners on the ground that petitioner no.1 being wife of the deceased always used to demand money from him and being vexed with repeated demands, he committed suicide at Oman.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No.417 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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