

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28862 of 2018

Arising Out of PS.Case No. -36 Year- 2016 Thana -BHEJA District- MADHUBANI

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1. CHAUDHARY DHANANJAY KUMAR ROY Son of Chaudhary Janardan Roy Resident of Village- Batho, P.S. Bahera, District- Darbhanga, At Present Sector No. Central Excise Quarter Plot No. C5, Door No. 20 Area Adi Skim Mega Paid West Chennai 37 P.S. V-7, Nolember, District- Auha Nagar(Tamil Nadu).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04/ 21.06.2018 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Bheja P. S. case no. 36/2016 registered under sections 120B, 304B/34 of the IPC.

Petitioner happens to be husband of the deceased. Admittedly, she died on 14.3.2015 at Chennai. Informant, having got information regarding death of the deceased, went to Chennai and received dead body of his daughter and subsequently, participated in cremation of the dead body of his daughter. The informant, having performed cremation of



the dead body of his daughter at Chennai, returned to his village and filed complaint case bearing Complaint case no. 255/2015 on 25.3.2015 and thereafter, the aforesaid case was converted into police case. However, after investigation, police found the case mistake of fact and accordingly, submitted final form but the learned Magistrate differed with the finding of the police and took cognizance of the offences.

Learned counsel appearing for the petitioner submits that the informant has admitted in his complaint petition that information regarding death of the deceased was given by the petitioner and thereafter, he went to Chennai and participated in cremation of the dead body of the deceased. He, further, submitted that, as a matter of fact, deceased committed suicide and for that UD case no. 405/2015 dated 14.3.2015 was registered in Nalumpura police station of Chennai and the aforesaid UD case is still pending and, therefore, learned Magistrate, Jharkhand District Madhubani has got no jurisdiction to entertain the present case.

On the other hand, learned Addl. Public Prosecutor opposed the prayer submitting that learned Magistrate



having found sufficient materials on the case diary took cognizance of the offences and, therefore, the petitioner being husband of deceased does not deserve privilege of anticipatory bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, keeping in mind the para 23 of the case diary in which death report of deceased has been incorporated, in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate III, Jhanjharpur, Madhubani in Bheja P. S. case no. 36/2016 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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