

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21055 of 2019

Arising Out of PS. Case No.-134 Year-2015 Thana- JOKIHAT District- Araria

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1. Md. Israil, Son of Hamid, Resident of Village - Mavillria, P.S.- Mahalsaon, Distt.- Araria.
 2. Md. Ismail, Son of Hamid Resident of Village - Mavillria, P.S.- Mahalsaon, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 Heard learned counsels for the parties.

The petitioners, being the maternal uncles of husband of the victim, are apprehending arrest in a case registered for the offences punishable under Sections 304(B)/34 of the IPC.

The prosecution case as per the written report of Tauhid submitted to SHO, Jokihat (Mahalgaon) Police Station is to the effect that the daughter of the informant, Bibi Farhat was married with Md. Israfil, two years prior to the lodging of the present case. Thereafter, further dowry demand was made and for non-fulfillment of the same, torture was inflicted upon her, for which an informatory petition was also filed by the informant. Subsequently, there was further dowry demand of a motorcycle, a buffalo and due to non-fulfillment of the same,



torture was inflicted upon informant's daughter by her husband, parents of the husband and brother in law. Thereafter, an information was received by the informant that his daughter has been killed, whereupon, he reached to the in-law's house of his daughter and found her dead.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the victim. It is further submitted that the petitioners have not been sent up for trial, but differing with the final form, cognizance has been taken by learned CJM, Araria on 16.10.2017. It is further submitted that the husband of the victim, Md. Irrafil has been acquitted by learned 3rd Additional Sessions Judge, Araria, vide order dated 20.08.2018, passed in Session Trial No.290 of 2018, as contained in Annexure-4. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that on conclusion of investigation, the petitioners were not sent up for trial, and husband of the victim has been acquitted, coupled with the statement made in paragraph no.3 of the petition that the



petitioner is not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Araria** in connection with **Jokihat (Mahalgaon) P.S. Case No.134 of 2015 (G.R.No.1324 of 2015)** subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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