

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26719 of 2019**

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

1. Md. Istiyaque Son of Late Md. Gyas Resident of Village - Masuriya, P.S.- Mahalgaon, District - Araria.
2. Md. Ibrahim Son of Late Md. Gayas Resident of Village - Masuriya, P.S.- Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

2      01-05-2019                      Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered under Section 304(B)/34 of the Indian Penal Code.

Both the petitioners who happen to be brother-in-law (devar) of the deceased are said to have committed dowry death of the deceased along with other accused persons.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They happen to be brother-in-law of the deceased. After investigation of the case, petitioners were not



sent up for trial and subsequently learned CJM, Araria took cognizance of the offence against them. The thrust of the accusation is against the husband of the victim. Husband of the victim namely Md. Israfil has been acquitted on trial by learned Additional Sessions Judge-III, Araria vide order dated 20.08.2018 passed in Sessions Trial No. 290 of 2016. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Similarly situated co-accused namely Md. Israil and Md. Ismail who happens to be maternal uncles-in-law of the deceased have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.04.2019 passed in Cr. Misc. No. 21055 of 2019.

On the other hand, learned APP for the State opposing the bail petition submitted that there is complicity of the petitioners in the occurrence, hence they do not deserve bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 C.J.M.,



Araria in connection with Jokihat (Mahalgaon) P.S. Case No.  
134 of 2015 (G.R. No. 1324 of 2015), subject to the condition as  
laid down under Section 438 (2) of the Cr.P.C.

**(Prakash Chandra Jaiswal, J)**

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