

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70796 of 2019

Arising Out of PS. Case No.-2701 Year-2016 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Sarswati Devi Wife of Harishchandra Sah Resident of Village- Narma, P.S.-
Hathauri, District- Muzaffarpur.
 2. Harishchandra Sah Son of Late janak Sah Resident of Village- Narma, P.S.-
Hathauri, District- Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar Bihar
2. Shiv Kumar Jha Son of Ram Briksh Jha Resident of Village Jhamanganj,
P.S. Jandaha, District- Vaishali.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Nachiketa Jha
For the State	:	Mr.Md. Aslam Ansari
For O.P. No. 2	:	M/s Shubhesh Pandey, Pawan Kumar, Neeraj Kumar,, Suraj Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 05-03-2020 Heard learned counsel for the petitioners and learned APP
representing the State.

The petitioners apprehend their arrest in connection with
Tr. No. 2629 of 2019 arising out of Complaint Case No. 2701 of
2016, in which cognizance under Sections 304B, 201, 498A of the
Indian Penal Code and under Section 4 of the Dowry Prohibition Act
has been taken by the learned Magistrate.

The allegation against the petitioners, mother-in-law and
father-in-law, as per complaint petition is that petitioners along with
other accused persons killed the daughter of the complainant on
18.09.2013 and disposed of the dead body also.

Learned counsel appearing for the petitioners
submits that petitioners have been falsely implicated mala fide.
For the same allegation the petitioners along with others



were made accused in an F.I.R. lodged by the complainant bearing Bochahan P.S. Case No. 201 of 2014 which was investigated by the police and after completion of the investigation police submitted final form on 14.1.2015 not sending the petitioners for trial and holding the case as mistake of fact. Learned counsel for the petitioners further submits that vide Annexure-4 i.e. order dated 26.8.2015 the learned Chief Judicial Magistrate, Muzaffarpur accepted the final form submitted by the police. Learned counsel for the petitioners further submits that after acceptance of final form the present mala fide complaint has been filed by the complainant on the previous grounds with mala fide intention only in order to harass the petitioners and other family members. Death certificate (Annexure 5) supports natural death.

After having heard learned counsel for the parties and taking into consideration the fact that similar allegation was investigated by the police and after completion of the investigation final form was submitted by the police and accepted by the learned Chief Judicial Magistrate, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the Court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. (East) Muzaffarpur in connection with Tr. No. 2629 of 2019, arising out of Complaint Case No. 2701 of 2016; subject to the condition as laid down hereinabove and under Section 438 (2) of the Code of Criminal Procedure.

SNkumar/-

(Madhuresh Prasad, J)

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