

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38389 of 2014

Arising Out of PS.Case No. -567 Year- 2013 Thana -KRITYANAND NAGAR District- PURNIA

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Md. Islam, S/o Late Shekh Turai, Resident of Village - Rampur Tola
Katariya, P.S. - K.Nagar (Champanagar), District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajmeri Khatoon, W/O Md. Islam, R/O Village-Rampur Tola,
Katariya, Champanagar, P.S.- K. Nagar, District-Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate
For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 04-03-2015 Heard learned counsel for the petitioner and the

learned counsel for the State.

Despite service of notice, informant has not appeared.

The petitioner is in custody since 26.3.2014 in

connection with K. Nagar (Champanagar) P.S. Case No.567 of

2013.

The allegation against the petitioner is one of Sections

376 and 313 of the Indian Penal Code. However, it has been

contended that Opposite Party No.2, who has been impleaded

by this Hon'ble Court, is, in fact, the wife of the petitioner.

Under such circumstances, the offences as has been made out

are not tenable.

Learned counsel for the petitioner submits that the

present case has been filed even though she is the wife of the petitioner and allegation under Section 313 of the Indian Penal Code has also not been made out because she had herself asked for medicine and as a consequence thereof, tablet had been administered to her. It is further submitted that the petitioner has been languishing in custody since 26.3.2014 for no fault of his.

Considering the nature of the offence alleged and also the period of custody, let the above named petitioner be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with K. Nagar (Champanagar) P.S. Case No.567 of 2013.

(Anjana Mishra, J)

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