

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29749 of 2015

Arising out of PS.Case No. -51 Year- 2013 Thana -KAMTAUL District- DARBHANGA

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Md. Imdadullah Makki @ Imdiadullah @ Makki, Son of Japhir Ansari,
resident of Village- Tektar, P.S. Kamtaul, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Anisur Rahman, Advocate.

For the Opposite Party : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-10-2015 Heard learned counsels for the petitioner, informant and

learned counsel for the State

The petitioner is languishing in custody since 28.04.2015
in connection with Kamtaul P.S. Case No. 51 of 2013 for the
offences instituted under Sections 341, 324, 307, 498(A)/34 of the
IPC and ¾ of the D. P. Act.

The prosecution story, in brief, is that the informant was
married with the petitioner in the year 2010 and the informant
came to her in-laws place after marriage. Petitioner and other
family members began taunting upon her that her father has not
paid sufficient dowry and he cheated them and they began
demanding Five Lacs rupees in dowry. On refusal, the petitioner
and his family members assaulted her. Despite so, she continued
living with her in-law's place and the informant begot a son in



2012 and the petitioner brought a lady Nanhi Khatoon in the house and said to the informant that he married with her and she had no work to do in the house and asked him to go out. On refusal, the petitioner and his family members pushed out her from the house and the informant came to her parents' place. On 24.04.2013, the petitioner came the parents' place of the informant and said to her that he did not marry with a lady whom he brought to his house and he brought that the lady in his house to put fear to her and he would take her back and the informant believed on assurance of the petitioner and she set out with the petitioner alongwith her child to station and when she reached ear garden of Hassan Raza, the petitioner, suddenly wrapped plastic string around her neck and the informant gave jerk to the petitioner as a result of which, child in lap of the informant fell down and she began scuffling with the petitioner. Meanwhile, the petitioner took out knife from his waist and executed *Chhura* blow on the neck of the informant and the informant averted blow with the hand resulting cut wound on his neck and the petitioner gave other blow with *Chhura* which hit on the head and she sustained wound. On hulla, other villagers came and tried to catch hold the petitioner. The petitioner succeeded in running away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.04.2015 and the charge sheet has

been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. As per allegation, the petitioner is the husband of the informant. He has falsely been implicated in the present case. It is further submitted that the petitioner is ready to deposit an amount of Rs. 1500/- per month in the learned court below which shall be released in favour of the informant.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the informant.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 1500/- per month in the learned court below which shall be released in favour of the informant, let the petitioner above named, be released on bail on 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., Darbhanga, in connection with Kamtaul P.S. Case No. 51/2013 (G.R. No. 1424/2013), Trial No. 2805/2015.

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(Sudhir Singh, J)