

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42155 of 2015

Arising Out of PS.Case No. -120 Year- 2013 Thana -DIGHALBANK District- KISANGANJ

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Dhuma Mardi @ Mukhiya Son of Rasik Lal Mardi Resident of village -
Deogaon, P.S. Kanki, District - North Dinajpur (West Bengal)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman

For the Opposite Party/s : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-11-2015 Heard both sides.

The petitioner apprehends his arrest in Dighalbank P.S. Case No. 120/2013, registered for the offences punishable under Section 498, 498A, 323, 313, 374, 367, 366 and 34 of the Indian Penal Code.

The victim alleged that she was married to Budhlal Murmu, but her husband assaulted and drove her out. She came to her parent's house, but Tal Hembram and his wife took her with them on the pretext of providing her job.

She further alleged that they kept her in the house of the petitioner and the petitioner along with others forcibly got her aborted. Thereafter, they took her to Delhi and got her engaged in a residential house as maid servant. She somehow fled from there.

There is no specific allegation against the petitioner.

Only allegation against the petitioner is that the petitioner allowed the victim and others to stay in his house. Petitioner did not get her forcibly aborted. There is no medical evidence to show that the victim forcibly aborted.

During the course of investigation witnesses have also not supported the case of the prosecution and did not name the petitioner. It is submitted that petitioner is the father of Sanjay Marandi, but from perusal of the FIR as well as case diary it appears that the victim made very specific allegation that Tal Hembram and his wife stayed at the house of the petitioner Dhuma Mardi @ Mukhia and the petitioner forcibly got her aborted, thereafter she was sent to Delhi for working as a maid servant.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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