

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15534 of 2015

Arising Out of PS.Case No. -146 Year- 2014 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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Wasi Ahmad S/o Sk. Sarfuddin Resident of Village Deulia, Police Station
Shikarpur, District West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 19-05-2015

Heard learned counsels for the petitioner,

State and the informant.

The petitioner being the husband of the informant is languishing in custody since 30.01.2015 in a case registered for the offences punishable under Sections 498A, 316, 323, 504, 506 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand and pregnancy got terminated due to the assault made by this petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has already divorced the informant and the said fact gets corroborated by the statement in the complaint by the complainant that the

petitioner committed the offence for misappropriating the Den Mohar amount. There is no proof with regard to the termination of pregnancy due to the assault and the investigation has already concluded.

It is submitted by learned counsel for the informant that paragraph no. 57 of the case diary reflects ultra sound report which suggests termination of pregnancy. The learned Sessions Judge considered this fact, but has not mentioned that the pregnancy was terminated due to the assault made by this petitioner.

Considering the fact that the question of informant being divorced by the petitioner is in dispute and the investigation has already concluded, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bettiah, West Champaran in connection with Sathi P.S. Case No. 146 of 2014.

DKS/-

(Dinesh Kumar Singh, J)

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