

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12236 of 2015

Arising Out of PS.Case No. -17 Year- 2014 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Ashok Sharma S/o Ramdeo Sharma R/o Dara Nagar, P.S. Nauhatta,
District - Rohtas

.... Petitioner

Versus

1. The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar @ Manu

For the Opposite Party : Mr. Rajeev Nayan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-05-2015

Petitioner being husband of the informant is

languishing in custody since 20.11.2014 in a case registered for the offences punishable under Sections 323, 341, 498A, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

The informant's case is that she was assaulted and her husband and other family members put her adjacent to the road when somehow she managed to come back to her parents' house.

It is submitted by learned counsel for the petitioner that virtually no injury was caused to the informant and there is mistake in paragraph No. 1 of the petition with regard to the provisions of the Indian Penal Code as along with other provisions of the Indian Penal Code, Section 328 of the

Indian Penal Code was also incorporated inadvertently instead of Section 323 of the Indian Penal Code. Moreover learned Sessions Judge, Rohtas at Sasaram also committed error by incorporating Section 304/34 of the Indian Penal Code along with other provisions of the Indian Penal Code in the impugned order dated 31.01.2015 passed in Bail Petition No. 107 of 2014.

Learned counsel for the petitioner is permitted to make correction in paragraph No. 1 of the petition.

Considering the period under custody and the fact that investigation has concluded, 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 learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas in connection with Mahila P.S. Case No. 17 of 2014.

Before accepting the bail bonds of the petitioner, learned Court below will verify the fact that actually Section 304/34 of the Indian Penal Code was added or it was absolutely an error of record in the order dated 31.01.2015 passed by learned Sessions Judge, Rohtas at Sasaram.

(Dinesh Kumar Singh, J)

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