

Arising from the above, the Commission has concluded that the following factors are relevant to the determination of the appropriate sentence:

1. The nature and gravity of the offence.

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1. Md. Kamlamuddin Son of Md. Latif Resident of village- Kaparpura,
Police Station- Kanti, District- Muzaffarpur

Versus

.... Opposite Party/s

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

Heard learned counsel for the petitioner

Petitioner is languishing in custody since 12.08.2016 in a case registered for the offences punishable under Sections 498A, 323, 379, 420, 406 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand. It is alleged that petitioner developed physical relationship with sister-in-law (Bhabhi). On protest being made, the informant was assaulted and driven out from the matrimonial house.

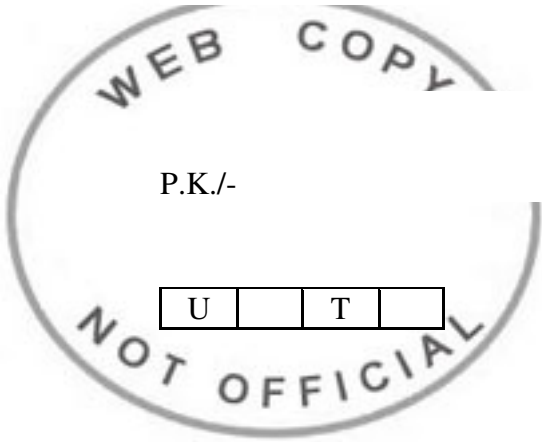


It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the informant. The informant fell sick on 15.10.2015, the petitioner took her for treatment and thereafter she deserted the petitioner, as a result the petitioner filed Informatory Petition on 20.06.2015 and transmitted legal notice to the informant on 21.07.2015, thereafter the Complaint Case was filed on 02.11.2015, the same after being transferred under Section 156 (3) Cr.P.C. registered as police case on 03.12.2015. The petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para-7 of the petition which reads as follows:-

“That it is stated that petitioner is always ready to keep his wife and he is also ready to maintain all necessities according to his capacity of earning. But due to dissatisfaction of the complainant herself gone to her naihar on the instigation of her Naihar’s family members and others. In this regard petitioner filed a Informatory Petition before the Sub Divisional Magistrate, Muzaffarpur on dated 20.06.2015 and the present was filed on 02.11.2015.”

Considering the nature of accusation and the present stand of the petitioner, 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 Chief Judicial Magistrate, Muzaffarpur

in connection with Minapur P.S. Case No. 476 of 2015.



(Dinesh Kumar Singh, J)