

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38358 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

1. Md. Sazid Son of Md. Mehdi Resident of Village- Bhatti Sabour, Police Station Sabour, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the victim is languishing in custody since 30.5.2016 in a case registered under Section 498A/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant but he gave Talaque to the informant prior to the lodging of the present case.

It is submitted by learned counsel for the

informant that the case was registered on 1.7.2015 but the informant died at her parents house in December, 2015.

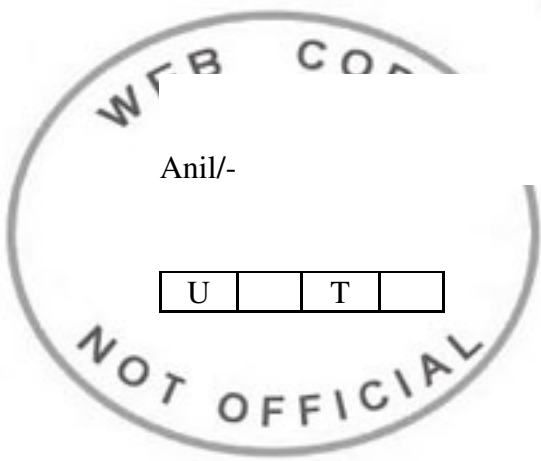
It is further submitted on behalf of the petitioner that on conclusion of investigation final report (charge sheet) was submitted under sections 498A/34 IPC and sections 3 and 4 of Dowry Prohibition Act which reads as follows:

“That it is submitted that the entire allegation levelled against the petitioner with regard to assault is quite false & fabricated as there is no any injury on records to support the case as the F.I.R. has been lodged only under section 498(A)/34 Indian Penal Code under sections 3 and 4 of Dowry Prohibition Act and after proper investigation the police has submitted charge sheet under the same section on 30.08.2015.”

Considering the fact that though the informant died but charge sheet has not been submitted either under section 302 or 304B IPC, let the above named petitioner 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 S.D.J.M., Bhagalpur in connection with Bhagalpur (Mahila) P.S.



Case No. 40 of 2015.



Anil/-

(Dinesh Kumar Singh, J)