

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53412 of 2015**

Arising Out of PS.Case No. -81 Year- 2015 Thana -LAUKHA District- MADHUBANI

Kamal Kumar @ Kamal Kunwar son of Ram Chandra Kunwar, Resident of  
village- Madhopur, P.S.- Laukaha, District- Madhubani

.... .... Petitioner

Versus

1. The State of Bihar &
2. Bibha Kumari, D/O Ram Bahadur Kumar, resident of village-  
Madhopur, P.S. Laukaha, District-Madhubani.

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party : Mr. Shyam Kr.Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

5      17-03-2016      Heard learned counsel for the petitioner,` learned  
counsel for the Informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection  
with Laukaha P.S. Case No. 81 of 2015 for the offences instituted  
under Sections 498 (A), 313 and 328/34 of the Indian Penal Code.

As per prosecution case that the informant alleging  
therein that she was married with Om Prakash Thakur on  
09.03.2015 and after that she went to her matrimonial house and  
came back after six days. She again informed by some one on  
mobile that she was pregnant and hence she was ousted. It is  
further alleged that on 02.05.2015 her neighbours Kamal Kumar  
brought her to Khutauna Hospital for abortion on which the doctor



became not ready thereafter her neighbours brought some medicine from the shop and administered her because she had physical relation with him from before and had assured her to marry. She again alleged that on 18.05.2015 at 10 P.M. Kamal Kumar called her and took her to his residence and administered some medicine causing her dizziness on which he said her to sleep in his room and bolt the room then she slept and when she woke-up found herself in Sadar Hospital, Madhubani.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner is the neighbour of the informant. From perusal of the FIR, it appears that prior to the marriage, the informant had established a physical relationship with the petitioner and for the said reason, she was ousted by her in-laws. Thereafter she again came to the petitioner who suggested the informant for abortion of the pregnancy which she was carrying. From perusal of the case diary, it appears that there is no medical examination report of the doctor to support the allegations made by the informant rather from perusal of paras-29 and 36 of the case diary, it is evident that repeated efforts were made by the investigating officer for getting the informant examined by the doctor but the same was refused by the informant.

On behalf of the State and the counsel for the Informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Laukaha P.S. Case No. 81 of 2015 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Jhanjharpur, District-Madhubani, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

B.Kr./-

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