

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49352 of 2015

Arising Out of PS.Case No. -101 Year- 2015 Thana -KASBA District- PURNIA

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1. Md. Muntasir S/o Md. Noushad Resident of village - Chandbhati P.S. -
Dagarwa District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nadimul Hasan

For the Opposite Party/s : Mr. Harendra Prasad(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 09-02-2016 Supplementary affidavit has been filed. Keep it on the
record.

Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 304, 498 A, 341, 323 and 120 (B) of the
I.P.C

Allegedly, the petitioner being the husband of the
informant started torturing her for fulfilling the demand of
additional dowry by way of Rs. 50,000/-, out of the wedlock there
was five months old daughter and on 28.04.2015 the petitioner and
other co-accused were bringing the informant and her daughter to

her *Maik*e and in the way they started pushing the informant in the maize field by claiming to kill her and then the petitioner pushed her down resulting the daughter fell down on the earth and bleeding started and ultimately the daughter of the informant died and thereafter the informant was treated in the government hospital.

Submission is of false implication and that no offence under sections 304 and 498 A I.P.C is made out, there is no eye witness of the occurrence, the informant herself threw the daughter on the earth due to some dispute, the petitioner has never tortured her and without any fault he is suffering in custody since 18.03.2015, good sense has prevailed and now the informant is residing in the house of the petitioner and to that extent the father of the petitioner has sworn an affidavit and accordingly supplementary affidavit has been filed.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the informant is not living in the house of the petitioner and father of the petitioner has sworn false affidavit.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, at this stage this Court is not inclined to enlarge the

petitioner on bail and accordingly his such prayer stands rejected in connection with Kasba P.S. Case No. 101 of 2015 pending in the court of Judicial Magistrate, 1st Class, Purnea.

However, the petitioner may renew his prayer for bail after examination of the informant during trial.

(Jitendra Mohan Sharma, J)

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