

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45814 of 2015

Arising Out of PS.Case No. -127 Year- 2015 Thana -AMAUR District- PURNIA

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Md. Asgar S/o Late Sultan Resident of Village Chhota lal Toli, P.S. Amour,
District Purnea

.... Petitioner

Versus

1. The State of Bihar
2. Bibi Afsana Khaton D/o Md. Absar W/o Of Md. Asgar at Present
residing at Bara lal Toli Banbhag, P.S. Amour, District Purnea

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with Amour P.S. Case No.127 of 2015 for the offences instituted under Sections 341, 342, 323, 324, 307 and 498(A) of the Indian Penal Code and ¾ of the D.P. Act.

The prosecution story, in brief, is that informant performed marriage with the petitioner 15 years ago and during wed-lock, lshe blessed with 4/5 children but unfortunately, three children died and two children alive and they are residing with her. Prior to 15 days from the date of lodging the FIR, petitioner brutally assaulted her on account of which villagers convened a



panchayati. Her husband always tortured her mentally and physically for fulfillment of dowry demand. On 19.7.2015 at about 9 P.M. her husband told to bring milky buffalo and cash of Rs.50,000/- then he will torture her. On this, her husband tied her legs from rope and tied her mouth from gamchhi and pushed upon the earth and cut her private part from blade. On her noice, children came and started weeping then the people came and saved her life. Father and brother came and after seeing her bleeding injuries moved her for treatment.

It is submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. It has further been submitted that the petitioner is ready to deposit an amount of Rs.2,000/- per month in the court below which shall be released in favour of opposite party no.2.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and the husband of the informant. Notices were issued to the opposite party no.2 but no one appears when the matter being taken up.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.2,000/- per month in the court below which shall be released in favour of

the opposite party no.2.

Let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sri Nitish Kumar, Judicial Magistrate, Purnea, in connection with Amour P.S. Case No.127 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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