

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55321 of 2015

Arising Out of PS.Case No. -88 Year- 2014 Thana -GOPALPUR District- GOPALGANJ

Naimuddin @ Md. Naimuddin Son of Late Reyajuddin Resident of Village
- Gopalpur, P.S. - Gopalpur, District - Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dhramveer, Advocate

For the Opposite Party : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Gopalpur P.S. Case No. 88 of 2014 for the offences instituted
under Sections 314 and 304(B)/34 of the Indian Penal Code.

As per prosecution case that the informant had married
his daughter, namely, Saida Khatoon with one Naimuddin in the
year 2008 in accordance with Muslim religion and rituals. It is
alleged that for want of dowry, the deceased was used to be
subjected to various sort of torture and cruelty and it went to the
extent that the accused persons ousted from her matrimonial
home after assaulting but on compromise she went to her
matrimonial home. The husband of the deceased is residing in



foreign country. It is alleged that on 29.08.2014, the informant came to know that the petitioners brutally assaulted the victim due to which miscarriage of her seven months pregnancy took place and she became unconscious and thereafter she was brought to hospital by petitioner no.1 and 2 and they left her in the hospital, managed to escape. On *hulla*, the informant went there and found his daughter unconscious and the doctor referred her to Patna where she died during the course of treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. From perusal of the FIR itself, it appears that at the relevant time, the petitioner was not there, hence he was not made accused. From perusal of para 11 and 12 of the case diary, it appears that the victim was a pregnant lady and during the pregnancy, she had developed a complication which led to her death. Similar fact has come in para-24 of the case diary which is the postmortem report of the deceased. At the relevant time, the petitioner was working in Saudi Arabia.

On behalf of the State, it has been submitted that the petitioner is not 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 Gopalpur P.S. Case No. 88 of 2014 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri C.B.Singh, Judicial Magistrate, Ist Class, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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