

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44350 of 2015

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

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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.
2. Mustari Begum daughter of Md. Alim, Resident of Mohalla- Bari Khanjarpur, Police Station- Barari, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Smt.Sangeeta Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 09-05-2016 Heard learned counsel for the petitioner and the State.

Petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the informant, but he gave talak to the informant prior to the lodging of the case, whereas it is submitted by the learned counsel for the informant that informant was brutally assaulted and driven out from the matrimonial house. The

factum of talak has been denied by learned counsel for the informant. Though, the present case was registered on 01.07.2015 but the informant died at her parents house in December, 2015 due to torture inflicted by the petitioner.

The petitioner and parents of the deceased/informant are present in the Court. Both are not ready to reconcile the issue.

In the circumstances, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Bhagalpur (Mahila) P.S. Case No. 40 of 2015, pending in the court of learned Sub-Divisional Judicial Magistrate, Bhagalpur.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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