

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23014 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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Jitendra Sao Son of Late Devendra Sao resident of Village - Rani Sarai,
Police Station - Bakhtiarpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumar Sah, Son of late Sukhdeo Sah, Resident of Village – Gyaspur Mahaji, P.S. – Salimpur, District – Patna.
3. Puja Kumari, Wife of Jitendra Sao, Daughter of Raj Kumar Sah, Resident of Village – Gyaspur Mahaji, P.S. – Salimpur, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the O. P. Nos. : Mr. Anil Kumar Singh, Advocate
For the State : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

09/ 22-09-2017 Heard Mr. Arun, learned counsel for the petitioner, Mr. Anil Kumar, learned counsel for O. P. Nos. 2 and 3 and Mr. J.N. Thakur, learned counsel for the State.

The petitioner being the husband of the daughter of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 325, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant was married with the petitioner in 2013, but thereafter the torture was inflicted. On 06.04.2015, mother and brother of the husband of the daughter of the informant started



assaulting the victim and ultimately drove her out from the matrimonial house. On protest being made all the accused persons tied the hands of the daughter of the informant when this petitioner poured acid below the waist portion of the victim.

The petitioner and the daughter of the informant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the daughter of the informant having no issue. Both the petitioner and the informant have performed second marriage and both have decided to part ways. It is further submitted by learned counsel for the petitioner that the medical report, as contained in Annexure-2, does not suggest any acid burn injury was found by the doctor on the person of the daughter of the informant.

Learned APP for the State after going through the case diary and injury report submits that the doctor has not found any burn injuries on the person of the daughter of the informant.

This contention has also not been controverted by learned counsel appearing for the opposite party nos. 2 and 3. It is further submitted that neither the informant nor the daughter of the informant is, at present, opposing the prayer for



anticipatory bail of the petitioner. However, no petition has been filed to this effect before this Court but it is jointly submitted that a joint compromise petition has been filed before the learned Court below on 09.12.2016.

Considering the present stand of the parties particularly keeping in view the fact that the medical opinion does not corroborate the accusation, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Barh (Patna) in connection with Bakhtiarpur P.S. Case No. 79 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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