

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28814 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -AWADPUR District- KATIHAR

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1. Md. Ashique son of Md. Mohsin Resident of Village Sohar, P.S. Abadpur, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 30-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State as well as the informant.

The petitioner seeks anticipatory bail in a case instituted for the offences under Sections 498A, 323 and 307 of the Indian Penal Code.

As per statement, after marriage lady used to be tortured and during continuation of marriage she was blessed with a girl child. After birth of girl child intensity of torture has gone up and they have demanded money. It has been alleged that on 20.12.2016 at 11 P.M. in the night she was tortured and forcefully poison was administered on her. When her mother and father could know about the torture they rushed there and she was carried her to the Hospital. It has been stated that she cannot be treated there and further she was transferred to Sadar



Hospital Katihar.

Learned counsel for the petitioner submits that victim has also filed a maintenance case and she has been appearing in the case on day-to-day basis whereas counsel for the informant who has joined the proceeding submitted that they have forcefully pored acid on the mouth of the victim which caused serious injury, she was shifted for treatment to Silliguri from where she was referred to AIIMS and she has been under treatment.

This Court on the statement made by the learned counsel for the informant vide order dated 2.8.2017 has sought report from the Superintendent of AIIMS and Medical Superintendent of AIIMS sent a report dated 17.8.2018 wherein it has been stated that Mrs. Nurseva Khatoon was not admitted in AIIMS for any treatment and as such there is no question to provide any report about her admission and treatment. Further it has been mentioned that it was verified from the e-hospital computerized records and it was found that said patient has been undergoing OPD check up in Surgery OPD, G.I. Surgery OPD and emergency OPD (Casualty) and has also undergone required investigations as a part of her OPD evaluation and treatment.. It has further been mentioned



that such type of patient is not admitted in the Hospital.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioners, namely, Md. Ashique, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate Ist Class, Katihar in connection with Abadpur P.S. Case No.19 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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