

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34340 of 2018**

Arising Out of PS. Case No.-3 Year-2018 Thana- MAHILA P.S. District- Sheikhpura

Sonu Kumar, Son of Indradeo Mahto, Resident of Village- Lohara, P.S. and District- Jamui. ... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anshu Kumari, Daughter of Shiyasharan Mahto, Resident of Village- Koinda, P.S.- Ariyari Dist- Sheikhpura.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar  
For the Opposite Party/s : Mr. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      18-06-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 498A and 313 of the Indian Penal Code.

Allegation against the petitioner is of committing torture and assault upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. As per allegation, the miscarriage is alleged to have taken place on 23.1.2018. From



the ultra sound report dated 24.1.2018, it is evident that a single live fetus was seen in uterine cavity of the victim. Hence, no offence under section 313 IPC is made out against the petitioner. The medical evidence does not support the allegations made in the F.I.R. Rest of the offences is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.*

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, 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 learned S.D.J.M., Sheikhpura in connection with Mahila P.S. Case No. 3/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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