

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20606 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- MAHILA P.S. District- Samastipur

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Mohammad Noushad Son of Md. Sultan, Resident of Village - Ward No.-11,
Milki Sari, P.S.- Warisnagar O.P. Mathurapur, District - Samastipur, At
present Chandsaray P.S.- Jandaha, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-04-2019 Heard both sides.

The petitioner apprehends his arrest in Mahila
(Woman) P.S. Case No.39 of 2018 registered under Sections
498A, 379 and other minor sections of the Indian Penal Code.

The informant alleged that she was married to one
Md. Shamshad nine years ago. She got two sons from the
wedlock but for last one year her husband and other in-laws
started subjecting her to physical and mental torture due to non-
fulfillment of additional demand of dowry. She further alleged
that on 05.09.2018 her husband pulled her down and her
brother-in-law (petitioner) gave knife blow on her right eye. Her
mother-in-law and brother-in-law assaulted her with fists and
slaps and drove her out from the house after snatching her



belongings.

Learned counsel for the petitioner submits that the occurrence took place on 50.09.2018 but the informant filed written statement on 18.09.2018 on the basis of which F.I.R. was lodged. It is submitted that the informant did not get any apparent injury on her body. She filed a prescription showing her treatment.

From perusal of the prescription of treatment of the informant, it would appear that the doctor did not mention any apparent injury on the body of informant. The petitioner, who is brother-in-law of the informant, has got no manner of concern with the family affairs of the informant and her husband.

Having considered the facts that the petitioner is brother-in-law of the informant although the informant alleged that the petitioner assaulted her with knife on her right eye but the doctor did not find any apparent injury as the same appears from the prescription of treatment of the informant, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate II,
Samastipur in connection with Mahila (Woman) P.S. Case
No.39 of 2018, subject to the conditions as laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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