

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42488 of 2018

Arising Out of PS. Case No.-263 Year-2017 Thana- CHHATAPUR District- Supaul

Md. Atikur Rahmam S/o Haji Kalimur Rahmad Resident of Village Inderpur,
Ward No. 12, P.S. Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 19-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the victim, is languishing in custody since 15.05.2018 in a case registered for the offence punishable under Sections 302, 120B, 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated on the basis of written report of Md. Saiyad Ali submitted to the Station House Officer, Chhatapur Police Station is to the effect that the informant's daughter's, namely Shahnaz Khatoon marriage was performed with the petitioner in 2007. Subsequently, the married coupled were blessed with two female children and one male child, but, thereafter, further dowry demand of



Rupees Two Lac cash was made and due to non-fulfillment of the same, the torture was inflicted upon the daughter of the informant. Ultimately, on 17.07.2017, all the FIR named accused persons, including the petitioner brutally assaulted the daughter of the informant. It is further submitted that when the informant after having received such information, on 18.07.2017, in the morning, reached at the in-laws house of her daughter, he found her daughter unconscious and thereafter, the informant went to the husband of the present Panchayat Mukhiya and Ex-Mukhiya. Subsequently, the victim was taken to the hospital. On 19.07.2017, at 4.00 A.M., the brother-in-law of the petitioner informed the informant that her daughter is dead.

It is submitted by learned counsel for the petitioner that admittedly, the victim died after 10 years of marriage and she was being provided adequate medical facility for her illness. It is further submitted that the accusation of indiscriminate assault is not being corroborated by the postmortem report which does not suggest any external and external injury on the body of the victim. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State after going through the case diary submits that since the petitioner is husband of the victim, hence, the thrust of accusation is against him, though the postmortem report does not corroborate the accusation of indiscriminate assault.

Considering the fact that the accusation of indiscriminate assault is not being corroborated by postmortem report which does not suggest any external and internal injury on the body of the victim and in view the fact that the FLS report kept at 'Flag-D' received through Memo No. 221, dated 04.02.2019 which reflects that preserved viscera does not contain any poisonous substance, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 ACJM-IV, Supaul in connection with Chhatapur P.S. Case No. 263 of 2017.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

