

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75846 of 2018

Arising Out of PS. Case No.-135 Year-2018 Thana- CHAUTHAM District- Khagaria

Nitin Kumar @ Rustam, Son of Arun Sinha, Resident of Village-
Agrahan,P.S.Chautham,Distt.Khagaria

... .. Petitioner/s

Versus

1. State Of Bihar
2. Samita, Devi Wife Nitin Kumar @ Rustam, Resident of at present
Manserpur,P.S.Baliya,Distt.Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Adv.

For the Opposite Party/s : Smt Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant is languishing in custody since 19.09.2018 in a case registered for the offence punishable under Sections 341,323,504,498A and 354B/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case got initiated on the basis of written report dated 14.07.2018 submitted by Smita Kumari to the Station House Officer, Chautham Police Station is to the effect that she was married with the petitioner about three



years prior to lodging of the present case. But thereafter, the informant was not only tortured but also assaulted by the in-laws family members due to non-fulfillment of further dowry demand. It is alleged that the father-in-law of the petitioner used to tease her by touching her private parts. When the informant made complaint to the petitioner, being her husband, then the petitioner ignored such conduct of his father.

It is submitted by learned counsel for the petitioner that no specific accusation has been levelled against the petitioner in the written report. Moreover, the thrust of accusation is against the father of the petitioner. 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 the petitioner allowed his father in committing such heinous and shameful offence with the informant.

Considering the fact that the investigation has already been concluded and the thrust of accusation is against the father of the petitioner, 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 Judicial Magistrate, 1st Class, Khagaria in connection with Chautham P.S. Case No.135/2018, G.R. No.1924 of 2018.

(Dinesh Kumar Singh, J)

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