

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22463 of 2020

Arising Out of PS. Case No.-300 Year-2019 Thana- BALIYA District- Begusarai

SAHID IQBAL, aged about 27 years (Male), S/o Md. Taiyab, Resident of
Village- Choti Ballia Chakmakhan Tola, P.S.- Ballia Chakmakhan Tola, P.S.-
Ballia, Distt- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate.

For the Opposite Party : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

It has been submitted on behalf of the petitioner that
due to typographical error, the name of the petitioner has been
wrongly typed as ‘Sahib Iqbal’ in place of ‘Sahid Iqbal’ in the
bail application. Likewise, in paragraph no. 3 of the bail
application, it has been mentioned that the petitioner has no



criminal antecedent whereas the petitioner has been made accused in one case.

Considering the same, let the name of the petitioner be read as 'Sahid Iqbal' in place of 'Sahib Iqbal' in the bail application. Further, in paragraph no. 3 of the bail application, it should be read that the petitioner has been made accused in one case.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 498(A) and 313/34 of the I.P.C.

The prosecution story, in brief, is that on 06.04.2018 the marriage of the informant was solemnized with this petitioner. Thereafter, this petitioner and other accused persons tortured the victim due to non-fulfilment of dowry demand. When she said to her mother-in-law about her pregnancy, her mother-in-law gave order to this petitioner to get her pregnancy demolished. On objection, this petitioner assaulted her with leg on her stomach and then she fell down on the earth due to pain. Her *Nanad* Sadika Praveen dragged her in the courtyard and by sprinkling Kerosene Oil, gave order to Md. Sakib and Md.



Shahnawaz to kill her. When the aforesaid persons came with the pot of Kerosene Oil, the informant cried and on her cry, family members assembled there and then she could be saved. In the night at about 7.00 O'clock, stomach pain developed and blood began to come out from her private part and then she went to a doctor with her father. She has suspicion that her child died or her abortion succeeded.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. There is no medical evidence in support of offence under Section 313 of I.P.C. Rest of the offences are triable by the Magistrate. The petitioner has further 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 learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event



of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M., Begusarai, in connection with Ballia P.S. Case No. 300/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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