

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70123 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- MAHILA P.S. District- Munger

MD. SAHMOOD Son of Abdul Qaiyum @ Md. Qaiyum @ Abdul Kaium R/o
vill - Banaudha, P.S. - Mufassil, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Qumrul Hoda
For the informant	:	Mrs. Alka Singh
For the State	:	Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 498(A), 341, 323, 313, 504, 376, 506/34 of the Indian Penal Code and Section 3/4 of the Prohibition of Dowry Act.

3. The allegation against the petitioner and other co-accused persons is that they tortured the informant for dowry. It is further alleged that devar of the informant committed rape with her and tried to abort



her pregnancy by administering her medicine. It is further alleged that all the accused persons assaulted the informant on her stomach due to which she lead to miscarriage.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is inordinate delay of 7 days in lodging the F.I.R. It is further submitted that petitioner, being the husband of the informant, was living happily with the informant. When the informant became pregnant she did not want to born the child so she herself took medicine for abortion. The allegation of commission of rape has been falsely levelled against the petitioner. Moreover, the petitioner is languishing in judicial custody since 11.01.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

6. Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Mahila P.S. Case No. 23 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Munger.

(Sunil Kumar Panwar, J)

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