

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73403 of 2023**

Arising Out of PS. Case No.-614 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MD. SHIBU S/O MD. JAINUL R/O VILLAGE- MUBARAKPUR, WARD
NO. 05, P.S- MUFFASIL, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ASGARI KHATOON W/O MD. SHIBU R/O VILLAGE- MUBARAKPUR,
WARD NO. 05, P.S- MUFFASIL, DISTT.- BEGUSARAI.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr .Anshu Dhar Sharma, Advocate
Mrs, Namita Sharma @ Namita Kumari, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is in custody in connection with Mufassil P.S. Case No. 614 of 2022 for the offence punishable under sections 341, 323, 337, 338, 307/34 of the Indian Penal Code and section 3/4 of Dowry Prohibition Act lodged on 01.12.2022 by the informant, Asgari Khatoon.

3. As per the prosecution story, the allegation against the petitioner is that earlier he forced the lady to perform ‘Nikah’ with him and threatened that failure to do so, he will kill her family members. This led to her ‘Nikah’ with the petitioner but then he started torturing for dowry and on 14.10.2022, she was kicked from the roof with an intention to kill which followed the present case.

4. Learned counsel for the petitioner submits that all



the family members have been implicated in this case who have since been released on bail, there is delay in lodging of the FIR and no case of 307 IPC is made out.

5. Learned APP, on the other hand, submits that a bare perusal of the paragraph 1 would show that the session trial is on and it would be appropriate that the petitioner present his case before the trial court so that the same is taken to its logical conclusion.

6. This Court finds force in the submission put forward by the learned APP, the allegation that has come against the petitioner which is in two parts earlier forcing her to perform 'Nikah' with him and later, throwing her from the roof, it would be appropriate that he faces trial.

7. The bail application stands rejected.

8. In view of the fact that the petitioner is in custody, the trial court is directed to expedite the trial and conclude the same within a period of six months from today.

(Rajiv Roy, J)

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