

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79156 of 2024

Arising Out of PS. Case No.-314 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Bipul Kumar @ Bipul Bharti S/O Late Yogendra Lal Rajak R/O Village-
Bhirkhi, Ward No. 21, P.S- Nad, Distt.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shail Kumari D/O Pankaj Kumar R/O Village- Simari, Bakhtiyarpur, P.S-
Saharsa, Distt.- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner and Mr. Ramesh
Chandra, learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 498A, 313,
341/34 of the Indian Penal Code.

3. The case of the prosecution is that the informant was
married to the petitioner on 17.04.2022, she was kept properly
for six months after that, the in-laws including the petitioner
started demanding bullet motorcycle and two lakhs rupees.
When the informant showed his inability to fulfill the demand,
she was being assaulted and at that time, she was pregnant as
well due to which termination of pregnancy was conducted on



21.03.2023. It is further stated that on 25.03.2023, the informant was ousted from the house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that as far as the allegation regarding the forceful abortion or assault on the womb, para 12 of the supplementary diary is relevant in which the Doctor has stated that as there was no activity in the womb, she reached on a conclusion that the foetus was not alive. It is also submitted that regarding abortion, he has got no objection but as far as demand and cruelty is concerned, it is specifically against the petitioner. It is next submitted that prior to filing of this case, he has already filed a case of Divorce before Family Court, Madhepura. It is next submitted that. It is further submitted that the petitioner is languishing in judicial custody since 14.09.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that he has given an information on 14.05.2024 at Mahila Police Station. All these goes to show that everything was not well between the parties.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Simari Bakhtiyarpur P.S. Case No. 314 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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