

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88095 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- GAYA KOTWALI District- Gaya

Shahid Mobin Son of Late Movinul Haque @ Mobinul Haque R/O Vill.-
Khankah Mohalla, Chunauti Kuan, P.S.- Phulwarisharif, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukshar Parween W/O Shahid Mobin, D/O Mohammad Shamsuddin Sheikh
R/O Vill.- Murarpur, ALN Road, P.S.- Kotwali, Dist.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh Mr. Satyam Anand
For the State	:	Mr. Parmanand Prasad
For Opposite Party No. 2:	:	Mr. Sunil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 17-01-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner, learned Counsel for the informant/Opposite Party No. 2 and learned Additional Public Prosecutor for the State.2. The petitioner seeks regular bail in connection with Kotwali Police Station Case No. 310 of 2024, registered for the offences punishable under Sections 498-A/323/504/313/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.3. The prosecution case, as per the First Information Report, is that the marriage of the petitioner was solemnized with the Opposite Party No. 2 and soon after the marriage the petitioner along with other co-accused persons started demanding one car by way of dowry and due to non- |
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fulfillment of the said demand, the petitioner and others tortured the Opposite Party No. 2 in various ways. It has been alleged that the petitioner and other accused persons assaulted the Opposite Party No. 2, who was pregnant, and co-accused Mobin @ Juhi, sister-in-law of the Opposite Party No. 2, assaulted her on her stomach, due to which miscarriage happened and thereafter, the petitioner and the husband of the Opposite Party No. 2 left her near her parental home unattended.

4. Learned Counsel for the petitioner submits that the petitioner, who is the husband of the Opposite Party No. 2, is innocent and he has not committed any offence in the manner alleged. There is general and omnibus allegation against him. The specific allegation of assaulting the Opposite Party No. 2 is upon co-accused Mobin @ Juhi, who has been granted bail by the learned District Court itself. He further submits that the petitioner has filed a divorce case before the learned Principal Judge, Family Court, Patna, bearing Matrimonial Case No. 494 of 2024 much before the institution of the present First Information Report. He next submits that petitioner is in custody since 03.08.2024 and charge sheet has been



submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

- 5. On the other hand, learned Counsel for the Opposite Party No. 2 opposes the prayer for bail and argues that the petitioner, along with his family members, assaulted the informant/Opposite Party No. 2, due to which she suffers miscarriage.
- 6. Regards being had to the submissions made by the parties and taking into consideration the materials available on record and the fact that the petitioner is in custody since 03.08.2024 and charge-sheet has already been submitted, I am inclined to grant regular bail to the petitioner.
- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, 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 Chief Judicial Magistrate, Gaya, in connection with Kotwali Police Station Case No. 310 of 2024.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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