

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5124 of 2015

Arising Out of PS.Case No. -1249 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Hiranman Mahto Son of late Babunand Mahto resident of Village-
Mahchhi Nain, Police Station - Gopalpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 06.02.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

It is very shocking that petitioner being husband of the complainant is languishing in jail custody since 28.11.2014 in complaint case in which cognizance has been taken for the offence punishable under section 498A of the IPC and section 4 of the D.P. Act, particularly, in the circumstance that much prior to filing of the present case, complainant lodged complaint case bearing Complaint Case No. 1073C of 2012 against one Sukhari Mahto for the offence under section 376 of the IPC and the said Sukhari Mahto happens to be witness of the present case and also in the circumstance, when the petitioner had already filed divorce suit against the complainant on the ground of adultery making allegation that complainant had illicit relation with the above stated Sukhari Mahto.

It appears that learned Sessions Judge without applying his

judicial mind rejected the prayer for bail of petitioner, consequent thereupon, petitioner has to remain in jail custody since long.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Bettiah District West Champaran in Complaint Case No. 1249C/2012.

However, learned Sessions Judge, Bettiah, West Champaran is warned to be more cautious in future while disposing of bail applications in a case of section 498A of the IPC.

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(Hemant Kumar Srivastava,J)

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