

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10368 of 2015

Arising Out of PS.Case No. -134 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Amit Mahtha @ Amit Kumar son of Sri Gauri Shankar Mahtha resident of
Mohalla - Bari Bazar, Gandhi Chowk, Naka No. 3, P.S. + Town + District -
Darbhanga. Petitioner/s

Versus

1. The State of Bihar.
2. Smt.Bharti Devi wife of Amit Mahtha alias Amit Kumar Mahtha,
daughter of Chandeshwar Manjhi, resident of Nagar Panchayat Jainagar,
Ward No. 6, P.S.- Jai Nagar, District Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subroteswar De
For the Opposite Party/s : Mr. Gagandeo Yadav, Advocate
For the State : None.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioner and learned
counsel for opposite party no.2.

Despite repeated calls, none appears on behalf of the
State.

The petitioner seeks anticipatory bail in connection
with Complaint Case No.134 of 2014 in which cognizance has been
taken under sections 323, 498A and 504 read with 34 of the Indian
Penal Code and also section 4 of the Dowry Prohibition Act.

It is contended that there is no truth behind the
allegation made in the complaint petition. The main grievance of
opposite party no.2 is that she wants to separate the petitioner from
his old parents. The petitioner repeatedly requested the complainant
to join matrimonial home but she refused to come and being left no



option ultimately the petitioner filed Matrimonial Case No.136 of 2014 before the Principal Judge, Family Court, Darbhanga under section 9 of the Hindu Marriage Act for restitution of conjugal rights.

On the other hand, learned counsel for the complainant has opposed the prayer for bail. He has submitted that the petitioner subjected the complainant to cruelty for non-fulfillment of demand of dowry and the allegations made in the complaint petition has duly been corroborated by the complainant in her statement on oath.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of six weeks from today, let the above named petitioner 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 Sub Divisional Judicial Magistrate, Madhubani in connection with C.R. No.134 of 2014 subject to the conditions as laid down under section 438(2) Cr.P.C.

(Ashwani Kumar Singh, J)

Md.S./-

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