

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34810 of 2015

Arising Out of PS.Case No. -3959 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Dharmendra Mahto son of Paltan Mahto, resident of village- Dhabauli, P.S.
Bidupur, Dist- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi wife of Dharmendra Mahto D/o Digvijoy Singh, resident of
village- Subhai, P.S. Sadar, Hajipur, District- Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. T.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 17-08-2015

Heard learned counsels for the petitioner
and the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A of the Indian Penal Code and 4 of Dowry
Prohibition Act.

The accusation is of torture for non-
fulfillment of the dowry demand.

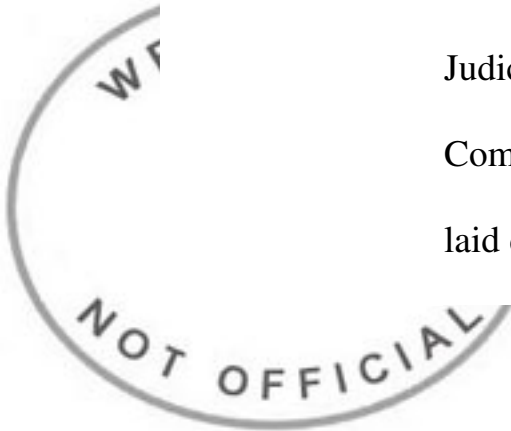
It is submitted by learned counsel for the

petitioner that the impugned order reflects that the complainant has not appeared before the learned court below while the mother of the complainant has appeared and she has stated that the complainant is not ready to reconcile the issue. It is further submitted that the complainant has performed second marriage with someone else.

The relevant portion of the impugned order reads as follows:- **“The complainant has not appeared in this case, while her mother has appeared and she has stated that the complainant is not ready to go with her husband/petitioner of this A.B.P. and to support the same she has put her signature in the margin of this ordersheet. Petitioner has appeared and stated that his wife/complainant of this case has solemnized her second marriage and therefore she is not ready to live with him and to support the same he has put his signature in the margin of this ordersheet. In view of the fact, reconciliation is not possible between the couple in this case.”**

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail

bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 3959 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)

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