

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45709 of 2014

Arising Out of PS.Case No. -231 Year- 2013 Thana -SARAI District- VAISHALI(HAJIPUR)

=====

Amresh Mahto @ Amresh Kumar Son of Baleshwar Mahto resident of Shembhopur, Menjhauli, Mahmadpur, Bujurg Police Station Sarai, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi W/o Armesh Mahto aged 22 years at village Shembhopur, Manjhauli, Mahmadpur Bujurg, P.S. Sarai, District – Vaishali, at present daughter of Dev Narayan Mahto of village – Bhorha, P.S. Goraul Kathara O.P., District – Vaishali.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 17-03-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323 498A, 379 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

On submission of learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour, statement to that effect has been



made in para 8 of the petition, the notices were issued to the informant vide order dated 24.12.2014 and in pursuance to the same petitioner and the informant are present. Petitioner is still ready to keep the informant as wife with full dignity and honour, but the offer is not acceptable to the informant at present as she claims that the petitioner has performed second marriage with someone else, which is being denied by the petitioner.

The factum of marriage and birth of a female child are admitted facts.

Considering the conflicting stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sarai P.S. Case No. 231 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct an enquiry with regard to the factum of second marriage of the petitioner, if the learned court below comes to a conclusion that the petitioner

has not performed second marriage then the provisional bail of the petitioner will be confirmed by the learned court below, but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--