

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2178 of 2016

Arising Out of PS.Case No. -3885 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

=====

Kanhaiya Mahto S/o Pyarchand Mahto, R/o Village - Pipra, P.S. - Panapur,
District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi, W/o Kanhaiya Mahto, Binit Kapoor Chand Mhato, Village
+ P.O. - Bansahi, P.S. - Masrak, District - Chapra (Saran).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh
For the Opposite Party/s : Mr. Ganesh Pd. Singh(App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 25-01-2016 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
process has been directed to be issued after cognizance being
taken for the offences punishable under Sections 498A 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.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the



complainant. The issue has been settled between the parties and petition to that effect has been filed before the learned court below. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:- **“That it is relevant to mention here that Panchayat was held in village to settle the dispute and after Panchayat a complaint petition prepared between the petitioner and matter was settled.”** Supplementary affidavit has been filed to the effect that non-bailable warrant has been issued against the petitioner on 11.05.2015. Statement to that effect has been made in paragraph 2 of the petition, which reads as follows:- **“That the non-bailable warrant has been issued against the petitioner on 11.05.2015 and in para-7 of the bail petition bailable warrant is wrongly typed at the place of non-bailable warrant.”**

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail for six months 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, Saran at Chapra in connection with Complaint Case No. 3885 of 2012 (Trial No. 2036 of 2015),

subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below if the complainant admits that the issue has been settled between the parties but if the complainant denies the factum of settlement then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

DKS/-

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