

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3539 of 2016

Arising Out of PS.Case No. -803 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Shyam Mahto, son of Jugeshwer Mahto, Resident of village-Khaqir
Mishrangliya, P.S Babubarhi, District Madhubani

.... Petitioner

Versus

1. The State of Bihar.
2. Rajo Devi, wife of Late Ram Mahto, Resident of Village- Khoir
Mishrauliya, P.S Babubarhi, District Madhubani.
- 3.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.
For the Opposite Parties : Mr. Bharat Bhushan(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 28-04-2016 Heard learned counsel for the petitioner, learned

counsel for the complainant and learned counsel appearing on

behalf of the State.

The petitioner is apprehending his arrest in

connection with Complaint Case No. 803/2014 registered for the

offences punishable under Sections 323, 379 and 376 of the Indian

Penal Code.

Learned counsel for the petitioner submits that an

out and out false and mischievous case has been made out against

the petitioner by the wife of his elder brother, who was since

deceased. It is submitted that the petitioner is already a married

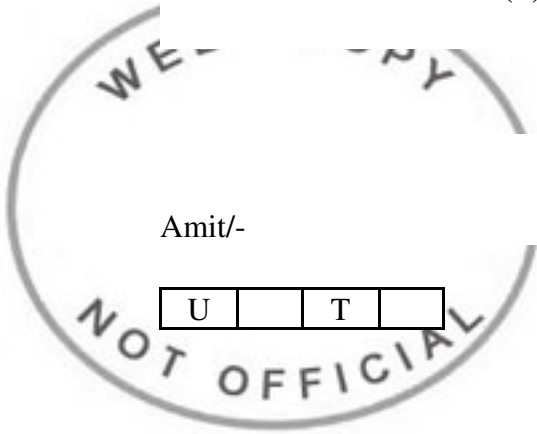
man and that there was no question of petitioner being induced

into having physical relation with the complainant and also that the complainant had already indulged in a various nefarious activities which led to a panchayati and which had ended in warning to both the parties.

Learned counsel appearing on behalf of the complainant submits that the petitioner being the younger brother of the deceased's husband had been continuously cohabiting with her and having physical relation, on the assurance that he would marry her. Subsequently, they had also married but later on, the petitioner turned around and though a child was born out of the said alliance, the petitioner refused to marry with the complainant.

Considering the various stories propounded by both the petitioner as well as the complainant and there being a cloud on the prosecution version, and further there have been instances where the complainant had been alleged to have indulged in wrong behaviour against the in-laws, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Shashi Bhushan Kumar, Judicial Magistrate 1st Class, Madhubani, in connection with Complaint Case No.

803/2014 subject to the conditions as laid down under Section
438(2) of the Cr.P.C.



(Anjana Mishra, J.)