

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44725 of 2015

Arising Out of PS.Case No. -3137 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Ram Ayodhya Mahto Son of Jijodhan Mahto@Juryodhan Mahto resident of
Village- Bhatahan, P.s Sugauli District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suhagan Devi wife of Ram Ayodhya Mahto, daughter of Ramdeo Singh
Resident of Village Bhataha (near Bezar) P.S. Sugauli District East
Champaran at present residing at Village Rajpur P.S. Turkauliya,
District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Anil Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

10/ 25-11-2016

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 and
323/34 of the Indian Penal Code.

The basic accusation is of torture after 40
years of the marriage.

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

complainant but the petitioner is suffering from serious ailment and the accusation has been levelled since the complainant and her sons began to sell the ancestral property of the petitioner.

The matter was adjourned since last more than a year but the parties failed to resolve the issue. It appears that the issue is not likely to be resolved.

In the circumstances, let the learned court below consider and dispose of the prayer for bail of the petitioner, preferably on the same day, keeping in view of the fact that accusation of torture has been levelled after forty years of the marriage, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 3137 of 2013 pending in the court of learned Additional Chief Judicial Magistrate, Motihari, East Champaran.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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