

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42976 of 2014

Arising Out of Complaint Case No. -5 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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CHANDESHWARI MAHTO @ CHANDRASHAWERI MAHTO Late
Ram Sagun Mahto

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi Wo Sri Chandeshwari Mahto S/o Late Ram Sagun Mahto

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 01-08-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A, 494 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of
dowry demand, performing second marriage and driving out the
complainant from the matrimonial house.

It is submitted by learned counsel for the petitioner that the complainant earlier filed Complaint Case No.496/2006 with similar accusation, which ended into compromise and in pursuance to the compromise the petitioner made fixed deposit of Rs.15000/- in the name of his daughter.

It appears that the notices were issued to the opposite party no.2 vide order dated 07.04.2015 by this Court and, thereafter, fresh notices were issued vide order dated 30.11.2015. The office note dated 29.07.2016 reflects that ordinary process of notice has been received by the learned counsel appearing on behalf of opposite party no.2 in the Court below. Today, also none is appearing on behalf of opposite party no.2. Under the circumstances, let the notices issued to opposite party no.2 is treated to be as deemed service.

Considering the fact that the earlier Complaint Case No.496/2006 filed with similar accusation, which ended into compromise, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.05/2014, pending before the learned ACJM, Dalasing Sarai

(Samastipur).

With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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