

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31096 of 2014

Arising Out of PS.Case No. -2975 Year- 2011 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Bideshi Mahto S/o Late Lagan Mahto, R/o Singal Tola, Manihari, P.S.-
Manihari, Distt.- Katihar

.... Petitioner

Versus

1. The State of Bihar
2. Rekha Devi W/o Bideshi Mahto, D/o Nepali Singh, R/o Tikapatti, P.S.
Tikapatti, District Purnea

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate

For the State : APP

For Opposite Party No.2: Mr. Vinod Shankar Modi, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 20-07-2016 Heard learned counsel for the petitioner and
learned APP for the State assisted by learned counsel for the
opposite party no. 2.

2. The petitioner apprehends his arrest for the
offences alleged under Section 498A of the Indian Penal Code
and Section 4 of the Dowry Prohibition Act registered in
connection with Complaint Case No. C.A. 2975 of 2011.

3. It is submitted that the petitioner is ready and
willing to keep the opposite party no. 2 with due dignity and
honour but it is the opposite party no. 2, who does not want
to live with the petitioner and his mother.

4. Learned counsel for the opposite party no. 2
relies on the statement made in the counter affidavit to
submit that the petitioner has solemnized another marriage
with one Maya Devi, Daughter of Madho Mahto, Resident of
Village Baijnathpur Diyara, P.S. Manihari District Katihar. In

such circumstances, it is submitted that the very fact of such second marriage of the petitioner with Maya Devi amounts to inflicting cruelty upon the opposite party no. 2 and she is unable to live with the petitioner who is residing with the second wife.

5. Considering that the statement of the opposite party no. 2 with regard to the petitioner's second marriage with Maya Devi has not been controverted by the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Bail petition stands dismissed.

6. The provisional bail granted to the petitioner by order dated 20.01.2015 shall stand cancelled.

B.T/-

(Vikash Jain, J)

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