

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24172 of 2016

Arising Out of PS.Case No. -516 Year- 2015 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Mantun Mahto son of Jay Ram Mahto, Resident of Bel Dabar, P.S.-
Mahishi, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi wife of Mantun Mahto, Daughter of Hem Chandra Mahto,
Resident of Village Sahuria Basahi, O.P. Chiraiya, P.S.- Salkhua,
District- Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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

06/ 08-11-2016

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,
494 of the Indian Penal Code and 4 of the Dowry Prohibition
Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand and performing second
marriage.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children, but since the complainant herself deserted the petitioner, the petitioner performed second marriage. It is further submitted that with similar accusation the complainant lodged Salakhua P.S. Case No. 13 of 2012 with accusation under Sections 448, 341, 323, 307, 379, 436, 498A, 504, 506/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act wherein final report was submitted under Sections 323, 341 and 504/34 of the Indian Penal Code and consequently cognizance was also taken under the same provisions of IPC. The petitioner is on bail in the said case. Counsel for the petitioner further submits that the petitioner is ready to keep the complainant in spite of the fact that he has performed second marriage.

Counsel for the complainant submits that the complainant is apprehensive due to the past conduct of the petitioner as the petitioner used to brutally assault her. Moreover, the petitioner has admittedly performed second marriage.

Considering the rival submissions of the parties, it appears that the issue cannot be reconciled at present. In the circumstances, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 516C of 2015 pending in the court of learned Sub-divisional Judicial Magistrate, Saharsa.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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