

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35135 of 2017

Arising Out of PS. Case No.-15 Year-2015 Thana- MAHILA P.S. District- Munger

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Satish Mahto @ Chatish Mahto Son of Punit Mahto, R/o Village- Kalyanpur,
P.S.- Baliya, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. Archna Devi D/o Niranjan Mandal, R/o Village & Post- Dharahara, P.S.-
Dharahara, District- Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Dhirendra Pratap Singh
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-09-2017 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the informant-O.P.
No.2 is languishing in custody since 27.5.2017 in a case
registered for the offences punishable under Sections 498A/34
of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

The prosecution case, as per the written report of the
informant, Archana Devi, is to the effect that the marriage
between the petitioner and the informant was performed on
26.4.2012. The matrimonial life was cordial for six months but
thereafter, further demand of dowry of Rupees Three Lacs was
made and the informant was being tortured as the accused



persons used to abuse her and used to give threat of performing second marriage by the petitioner. It is also alleged by the informant that the petitioner also made an attempt to kill her when he came to her parents' house to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant, having no issue. The informant herself deserted the petitioner. Though the petitioner was granted provisional anticipatory bail for one year vide order dated 26.2.2016 passed in Cr. Misc. No. 9823 of 2016 and the provisional anticipatory bail was to be confirmed by the learned Court below after appearance of the informant in three eventualities - (I) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue. But, the issue could not be reconciled between the parties, hence the provisional anticipatory bail was not confirmed due to the apathetic attitude of the informant. However, the petitioner's application filed for modification of the order of the provisional anticipatory bail was declined vide order dated 26.4.2017 passed in Cr. Misc. No. 19310 of 2017. The informant has performed second marriage. However, she is also contesting the



Maintenance Case No. 99 of 2015.

The learned 5th Additional Sessions Judge, Munger has rejected the prayer of the petitioner for bail vide order dated 7.7.2017 passed in B.A. No. 531 of 2017 on the ground that the petitioner failed to comply the undertaking of keeping the complainant with full dignity and honour. Moreover, at the time of hearing of regular bail application, no affidavit to the effect of keeping the complainant with dignity was filed on behalf of the petitioner.

Mr. J.N. Thakur, learned APP for the State submits that the thrust of accusation is against the petitioner, being the husband of the informant.

Considering the rival submissions of the parties and keeping in view the nature of accusation and the fact that the petitioner is in custody since more than three months, let the petitioner above named be released on bail on furnishing bail bond of Rs.10000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Munger in connection with Mahila P.S. Case No. 15 of 2015.

(Dinesh Kumar Singh, J)

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