

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29743 of 2016

Arising Out of PS.Case No. -124 Year- 2015 Thana -BARARI District- KATIHAR

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Nand Kishore Mahto, Son of Late Prithevi Mahto, resident of Village-
Thakurbari Bind Tola, Jauniya, P.S. Barari, District-Katihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Chandni Devi, Wife of Jag Lal Mahto, resident of Village- Goriya Purab Tola, P.S. Tikkapatti, District-Purnea(Informant).
3. Manisha Devi, Wife of Nand Kishore Mahto and daughter of Jag Lal Mahto, presently resident of Village- Goriya Purab Tola, Jauniya, P.S. Tikkapatti, District-Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Advocate.

For the State : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 30-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner being the husband of the daughter of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 365, 498(A) and 120(B) of the Indian Penal Code.

The basic accusation is of torture and abducting the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the daughter of the informant, who had never been kidnapped. However, the petitioner is still



ready to keep the daughter of the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph no. 12 of the petition which reads as follows:-

“That the petitioner is a labourer and is ready to keep his wife with all respect and honour.”

The informant's daughter Manisha Devi in her statement under Section 164 Cr. P.C. recorded on 06.08.2015 has stated that the petitioner performed second marriage thereafter she was ousted from the matrimonial house and she was not being supplied even proper food. The petitioner admits that he has performed second marriage with the consent of the informant's daughter who was unfit for procreation. A statement to that effect has been made in paragraph no. 7 of the petition which reads as follows:-

“That since the wife(victim) was unfit for procreation, she gave a valid consent and only on the basis of.....”

It is further submitted that the petitioner's wife herself deserted the petitioner.

This Court vide order dated 21.07.2016 issued notice to opposite party no. 2(informant) and her daughter opposite party no. 3. The office note dated 26.10.2016 reflects that opposite party no. 2 has received notice on her behalf and on behalf of opposite



party no. 3 with her consent. Hence, notices issued to opposite party nos. 2 and 3 was deemed to be validly served vide order 27.10.2016.

None appeared on behalf of opposite party nos. 2 and 3 on 01.12.2016. Today also, none is appearing on behalf of opposite party no. 2.

Keeping in view of the nature of accusation, it is a case for consideration of prayer for regular bail by the learned court below, if the petitioner surrenders within a period of six weeks and prays for regular bail in connection with Barari P.S. Case No. 124 of 2015(G.R. No. 2008 of 2015), pending in the court of learned A.C.J.M. –V, Katihar.

With this observation, the application is disposed of.

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(Dinesh Kumar Singh, J)

