

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49949 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -PANDARAK District- PATNA

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Dinesh Mahto, Son of Devendra Mahto @ Devi Mahto, Resident of
Village- Puuni Hasanpur, P.S. Lalganj District - Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anshuman Singh, Advocate
For the informant : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party : Smt. Rita Verma (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 10-04-2017 Second supplementary affidavit has been filed on
behalf of the petitioner, let it be kept on record.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel representing the
State.

The petitioner apprehends his arrest in connection
with Pandarak P.S. Case No. 19 of 2016, registered for the offence
punishable under Section 366 of the Indian Penal Code.

Allegedly, Soni Devi the wife of the informant
Harihar Singh was taken away by the petitioner after alluring her
and when the informant asked the petitioner then he caused
threats, the wife has gone away with ornaments and also making
balance zero.

Submission is of false implication and that Soni Devi
has filed divorce case against her husband in the court of Principal
Judge, Family Court, Patna making several allegations against the



informant. The petitioner has got no concern with Soni Devi, he has been implicated falsely, the petitioner has filed petition before the Officer In-charge also to search Soni Devi as per given address by her in the divorce petition. From plaint of divorce case, it reveals that the informant has harassed her in several ways and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that son of the victim Soni Devi vide para 8 of the case diary has also stated the name of the petitioner that he used to talk with his mother. The divorce case has been filed in collusion and conspiracy with the petitioner after filing of this case, there is direct allegation against the petitioner and, as such, he does not deserves pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Pandarak P.S. Case No. 19 of 2016, pending in the Court of learned Additional Chief Judicial Magistrate, Barh (Patna).

(Jitendra Mohan Sharma, J.)

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