

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7394 of 2019**

Arising Out of PS. Case No.-332 Year-2016 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Shiv Shankar Mahto, aged about 35 years, Male, Son of Raghvind Mahto,
Resident of Village – Birakh Bakhri, P.S. Sursand, District -Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar

2. Anjani Devi, Female, 23 years, Wife of Shiv Shankar Mahto, Resident of
Village – Birakh Bakhri, P.S. - Sursand, District – Sitamarhi, at present D/o
Hari Mahto, Resident of Chakwa, P.S. - Bathnaha, District -Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur 2

For the Opposite Party/s : Mr.Binod Kumar

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

4 05-04-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for 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 494 and 498A of the
Indian Penal Code.

The prosecution case as per the complainant is that
the complainant, Anjali Devi was married with the petitioner,
Shiv Shankar Mahto on 12.05.2012, but subsequently, further
dowry demand of a colour T.V. and a motorcycle was made



but on non-fulfillment of the same, the complainant was tortured by the petitioner and other in-law family members. Though the complainant was blessed with a male child but on 23.02.2016, the petitioner performed second marriage and ousted the complainant from the matrimonial house after snatching all her belongings.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth a male child. The petitioner is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is ready to keep to keep his wife with all dignity.”

Learned counsel for the complainant submits that the petitioner has performed second marriage, hence, the complainant is not ready to resume the conjugal life. However, due to the desertion the complainant and child are facing destitution.

However, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.3,000/- per month to the complainant from May, 2019 by depositing the



same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account detail on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties which, at present, will save the complainant and minor child from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Complaint Case No. C-1/332/16, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above mentioned payment will be subject to any order being passed in matrimonial, maintenance or any other collateral proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for



cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties
to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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