

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20131 of 2019**

Arising Out of PS. Case No.-1941 Year-2016 Thana- VAISALI COMPLAINT CASE
District- Vaishali

SHRAWAN MAHTO @ SARAWAN MAHTO, aged about 33 years, Male,
Son of Ram Pukar Mahto, Resident of Village- Bharathpur, P.O.- Govindpur,
P.S.- Mahuwa, District- Vaishali ... Petitioner

Versus

1. The State of Bihar
2. Niva Devi, aged about 25 years, Femal, Wife of Shrawan Mahto, Resident of Village- Baratpur, P.O.- Govindpur, P.S.- Mahuwa, District- Vaishali and daughter of Ramprit Mahto, resident of Village- Parmanandpur, P.O.- Chhitrauli, P.S.- Mahuwa, District- Vaishali

... Opposite Parties

Appearance :

For the Petitioner : Mr. Yugal Kishore, Adv.

For the Opposite Parties : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 25-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks anticipatory bail in connection with Complaint Case No. 1941 of 2016 (Tr. No. 2822 of 2017) for the offences alleged under Sections 498A, 323 and 379 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The accusation is of torturing of complainant/opposite party no. 2 is against her husband and in-laws due to non-fulfillment of demand of dowry, demand of motorcycle and removing her from the matrimonial home.

Learned counsel appearing for the petitioner submits



that complainant/opposite party no. 2, Niva Devi, who is wife of the petitioner, left the house of the petitioner and performed her re-marriage, but, with ulterior motive she lodged the present Complaint Case No. 1941 of 2016 with false allegation. Further submission is that the father of the complainant/opposite party no. 2 lodged Mahua P.S. Case No. 368 of 2018 on 03.01.2018 under Sections 304B, 364, 365 and 34 of the Indian Penal Code against the petitioner and other family members. After the investigation the police has submitted the final form on 16.09.2018 recommending to initiate the proceeding against Ram Janam Ram, the father of complainant/opposite party no. 2, which is mentioned in paragraph 3 of the counter affidavit filed on behalf of the State.

Having regard to the facts and circumstances of the case, the provisional pre-arrest bail granted to the petitioner by order, dated 02.04.2019, is hereby **confirmed**.

(Rajendra Kumar Mishra, J)

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