

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29029 of 2019

Arising Out of PS. Case No.-1541 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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RAM EKWAL MAHTO Son of Hansilal Mahto Resident of Village -
Lakhanpur, P.S.- Mohiuddin Nagar, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi Wife of Ram Ekwil Mahto, D/o- Late Khakhanu Singh Resident
of Village - Lakhanpur, P.S.- Mohiuddin Nagar, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas
For the Opposite Party/s : Mr.Ashraf Ansari

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 13-11-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Sections 498(A) and 494 of the Indian Penal
Code.

Petitioner who happens to be husband of the
complainant in association of his family members subjected the
complainant to various sorts of torture over dowry demand and
tried to eliminate her by sprinkling kerosene oil on her person
setting her ablaze.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. Petitioner



neither subjected the complainant to any sort of torture nor ever tried to eliminate her. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Parties to the case have settled their dispute before Patna High Court Mediation Centre. Petitioner has been enlarged on provisional bail vide order dated 02.05.2019, hence aforesaid provisional bail granted to petitioner may be confirmed.

It is submitted by learned counsel for the opposite party no.2 (complainant) that albeit the dispute has been settled between the parties before the Patna High Court Mediation Centre and in view of terms of settlement that petitioner shall pay Rs. 2000/- per month as maintenance to the opposite party no.2 and opposite party no.2 was given right to cultivate the land and keep 50% of the income of the said land with her and give rest 50% of the income to the petitioner and his father, but the land in question is 30 Katha and out of the aforesaid land father of the petitioner has sold out 8 katha of land to the second wife of the petitioner and only 22 katha of land are left and petitioner and his father has not brought aforesaid fact before the Mediator at the time of settlement of the case between the parties.

Considering the aforesaid facts and circumstances



of the case, aforesaid settlement made between the parties is modified to the extent that instead of giving 50% of the income earned through agriculture carried out by the opposite party no.2 and her son, 3/4th will be kept by them and only 1/4th of the said income will be given to the petitioner and his father.

Learned counsel for the opposite party no.2 raised no objection against the aforesaid modification of the settlement.

Having regard to the facts and circumstances of the case, provisional bail granted to the petitioner vide order dated 02.05.2019 is hereby confirmed.

Accordingly, this petition is disposed of.

(Prakash Chandra Jaiswal, J)

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