

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39082 of 2019**

Arising Out of PS. Case No.-500 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

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DINESH MAHTO, aged about 47 years(Male), Son of Late Khaderan Mahto  
Resident of Village- Thahra, Police Station- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Indu Devi, aged about 45 years(Female), D/o Bhola Singh Resident of  
Village- Fatehpur Bala, Police Station- Tajpur, District- Samastipur-848131

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      26-06-2019                      Heard both sides.

The petitioner apprehends his arrest in Complaint  
Case No.500 of 2018, T.R. No.2973 of 2019 registered under  
Sections 498(A), 406, 420, 504 and 494 of the Indian Penal  
Code and Section 3/4 of Dowry Prohibition Act.

The complainant alleged in her complaint petition that  
she was married with the petitioner according to Hindu rites and  
customs on 01.05.2000 in Thaneshwar Temple, Samastipur.  
After marriage, she went to her sasural. She got two children  
namely, Khushboo Kumari and Kundan Kumar aged about 16  
and 12 years respectively. She further alleged that she went to  
her sasural but only after 3-4 months, her husband started



torturing her due to non-fulfillment of additional demand of dowry. Her husband asked her to bring Rs.2 lacs and a cow. Her parents showed their inability to meet the demand. The complainant continued to live with her husband even though her husband subjected her to all sorts of torture but on 15.03.2018, her husband snatched her all ornaments and drove her out from the house.

The learned counsel for the petitioner submits that from perusal of the complaint petition itself, story as disclosed by the complainant does not inspire confidence. It is alleged that petitioner started torturing his wife 3-4 months after his marriage but the complainant did not lodge any case nor complained before any competent authority. The complainant filed this complaint case only after 18 years of her alleged marriage with the petitioner. It is further submitted that complainant is not the legally wedded wife of the petitioner. The ration card and the voter list annexed with the bail petition will show that the complainant is wife of Kapildeo Singh. Later on, the complainant filed Musarigharari P.S. Case No.11 of 2019 in order to create evidence in which she disclosed that she is the wife of Dinesh Mahto(petitioner).

Taking into consideration the facts that the



complainant herself disclosed in her complaint petition that only 3-4 months after her marriage, her husband started torturing her and demanded additional dowry and the complainant continued to live in her sasural even though she was subjected to all sorts of torture but the complainant did not lodge the case and she filed the present case only after 18 years of her alleged marriage with the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Samastipur in connection with Complaint Case No.500 of 2018, T.R. No.2973 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

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