

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51955 of 2019

Arising Out of PS. Case No.-369 Year-2015 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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BALESHWAR MAHATO Son of Jagarup Mahato Resident of Village-
Pipararaji, P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Babunti Devi D/o Ganesh Mahato Resident of Village-Balawa Madho, P.S.-
Kotava, District-Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-11-2019 This application, for grant of anticipatory bail, arises

out of Complaint Case No.. 369 of 2015, disclosing offences

under Section 498A of the Indian Penal Code and Section 3 /4

of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant

and allegation against him is of subjecting the complainant to

torture with respect to demand of dowry and also ousted from

the house.

Submission of learned counsel for the petitioner is

that entire allegation is false and concocted and she has herself

fled away from the matrimonial life and he is still ready to keep

her with full honour and dignity and he has made such



submission before the court below but the complainant has refused to live with the petitioner.

Heard learned A.P.P. also as well as learned counsel for the complainant. Learned counsel for the complainant has opposed the prayer for anticipatory bail and submitted that the petitioner has solemnized second marriage and it will not be possible for her to reside with the petitioner.

However, it appears no such allegation with regard to second marriage has been levelled in the compliant petition and further the cognizance has also not been taken under Section 494 of the Indian Penal Code.

Considering the above facts and circumstances, this application is allowed. Provisional bail granted to the petitioner vide order dated 21.08.2019 is confirmed.

(Vinod Kumar Sinha, J)

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