

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56744 of 2019

Arising Out of PS. Case No.-37 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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SANTOSH MAHTO @ SANTOSH KUMAR MAHTO S/o Kamal Mahto
R/o village and P.O.- Ward No. 9, Pokhar Bhinda, P.S.- Sakatpur, District-
Darbhanga

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rekha Devi W/o Santosh Mahto R/o village and P.O.- Pokhar Bhinda, P.S.-
Sakatpur, District- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in
connection with Complaint Case No. 37/2017 with Tr. No.
3787/2018 registered under Sections 498A, 323, 341, 354,
504, 34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry
Prohibition Act, pending in the court of learned S.D.J.M.
Darbhanga.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence, as a
matter of fact the complainant does not want to live with the



petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, however he submits that the allegation against the petitioner is of demand of dowry and torture as also solemnization of second marriage with another lady while the complainant is still alive.

Considering the nature of specific allegation made against the petitioner of demand of dowry and torture to the complainant and that the petitioner has solemnized second marriage with another lady while the complainant is still alive and has allegedly thrown out the complainant from his matrimonial home and this fact has not been denied even in the application filed before this court that the petitioner has been living with another lady, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is refused.

In case, the petitioner surrenders and prays for regular bail within a period of four weeks from today before the learned court below, his prayer for regular bail shall be



considered on it's own merit without being prejudiced by
the order of this Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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