

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67300 of 2018

Arising Out of PS. Case No.-350 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Vijay Prakash Mahto, Son of Prem Prakash @ Lalbabu Mahto, Resident of
Village-Madhuban Bajar,P.S. Madhuban,Distt.-East Champaran

... .. Petitioner/s

Versus

1. State Of Bihar
2. Guriya Devi, D/o of Daroga Mahto, Resident of Village-Jhitkahiya,P.S.
Rajepur,Distt.-East Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

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

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 03-07-2019 Heard learned Counsel for the petitioner, learned

Counsel for Opposite Party No. 2 and learned Additional Public

Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Complaint Case No. C-350 of 2018, in which cognizance
has been taken under Section 498A of the Indian Penal Code
and Sections 3/4 of the Dowry Prohibition Act, 1961.

The allegation against the petitioner, on the basis of
the complaint petition, is that the complainant- Opposite Party
No. 2 was married to the petitioner on 25.04.2016 in accordance
with Hindu rites and rituals and when the complainant-
Opposite Party No. 2 went to her matrimonial house, she was



tortured by the petitioner as well as his family members and demanded Rs. 1,00,000/- and a gold chain, by way of dowry.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case inasmuch he neither demanded dowry nor did he subjected the complainant to cruelty in any manner whatsoever and there appears to be some matrimonial discord between the parties due to incompatibility.

Learned Counsel for the Opposite Party No. 2 -complainant submits that the petitioner has been torturing the complainant for dowry and he has further submitted that the petitioner has performed second marriage also during the subsistence of his first wife, which itself is a mental torture to the wife, i.e. the Opposite Party No. 2. This fact has not been denied by learned Counsel for the petitioner.

Learned Counsel for the parties inform this Court that the matter was referred for mediation in which both the parties have appeared, but they are not willing to come to an amicable solution for compromise.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has performed second marriage during the subsistence of the first



wife, which, in my opinion, is a torture to the first wife itself.

Accordingly, I am not inclined to grant the petitioner
privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

