

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15643 of 2020

Arising Out of PS. Case No.-7 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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BAIJ NATH MAHTON S/o Jagdish Mahto Resident of Village- Basahi, Naya Tola, Ward No. 5, P.S.- Cheriya Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Neelam Kumari W/o Baijnath Mahto, D/o Late Rameshwar Mahto R/o Village- Tara, Bariyarpur Purbi, P.S.- Khodawanandpur, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1
For the State : Mrs. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case initially registered under Sections 498A, 380, 323, 504/34, 506 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act but later on, the Magistrate took cognizance for the offence u/S 498A of the Indian Penal Code and ³/₄ of Dowry Prohibition Act only.

Allegation against the petitioner is of committing torture



upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is husband of the victim. The offences are triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Complaint Case No. 7C of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall



furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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