

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20307 of 2020

Arising Out of PS. Case No.-298 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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AMRENDRA MAHTO son of Raj Mangal Mahto Resident of Village -
Ganeshpur Koriyari, P.S. - Belsand, District - Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Meru Devi Wife of Amarendra Mahto Daughter of Late Muni Mahto,
Village - Tarauna, P.S. - Bhadaur, Barh, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Ms. Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through
virtual mode.

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

The petitioner being the husband of the complainant is
apprehended arrest in a complaint case wherein process has
been issued after cognizance being taken for the offence
punishable under Section 498A of the IPC.

The prosecution case as per the complaint petition is
to the effect that the complainant was married with the
petitioner three years prior to the lodging of the complaint. The
complainant was not blessed with any child and there was



further dowry demand of a motorcycle and due to non-fulfillment of the same, torture was being inflicted upon the complainant. It is further alleged that in presence of the brother of the complainant, the complainant was assaulted by the in-laws family members and jewellery and other articles were snatched and she was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep her with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:

“ That the petitioner again stated that he is ready to keep he complainant with full honour and dignity and also undertake to maintain ...”

It is further submitted that the accusation of assault is not being corroborated by the medical opinion.

Considering the present stand of the petitioner as quoted above, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months, in the event of arrest or surrender before the learned Court below from today, on furnishing one surety to the satisfaction of the learned ACJM-III, Barh, Patna, in connection



with Complaint Case No. 298C of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by learned Court below within six months in three eventualities (i) if the matrimonial harmony is substantially restored; or (ii) if the informant fails to appear before the learned court below; or (iii) if the informant gets reluctant to reconcile the issue, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ACJM-III, Barh, Patna, in connection with Complaint Case No. 298C of 2017.



The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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