

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57491 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Samastipur

Amarnath Mahto Son of Ramsheesh Mahto Resident of Village - Chakva
Akhityarpur, P.S.- Sarairanjan, District - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Amrita Kumari Daughter of Umesh Mahto Resident of Village - Balahi,
P.S.- Warisnagar, District - Samastipur.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahila P.S. Case No. 08 of 2019, registered for the offence punishable under sections 323, 341, 498A and 34 of the Indian Penal Code and section 3 and 4 of the Dowry Prohibition Act.

As per allegation in the F.I.R., the marriage of the petitioner and the opposite party no. 2 was solemnized in the year 2016. It is further submitted that at the time of marriage cash and gifts worth Rs. 4.5 Lakhs were given to the petitioner. Soon after the marriage, demand of motorcycle started. It is



further stated that the father of the informant gave a further sum of Rs. 71,000/- to the informant's husband and father-in-law for purchase of the vehicle, but the same was not purchased. It is finally stated that she was beaten up and forced out of her marital house in January, 2019.

It is submitted by learned counsel for the petitioner that the allegations in the FIR are false and concocted and neither any demand for motorcycle was made by any of the accused persons nor was the informant assaulted and thrown out of the house. He submitted that prior to the filing of the FIR, it was the petitioner who has filed a matrimonial case in the court below praying for restitution of conjugal right and that even today he is ready to live with the informant giving her full respect and honour. It is finally submitted that inspite of issuance of notice and receipt of the notice personally by the informant, she has chosen not to appear.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner had already been enlarged on provisional bail vide order dated



12.09.2019, which is hereby confirmed.

The application stands allowed.

(Partha Sarthy, J)

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