

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63549 of 2019

Arising Out of PS. Case No.-28 Year-2018 Thana- MAHILA P.S. District- Sitamarhi

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1. SURENDRA MAHTO Son of Late Sahdeo Mahto Resident of Village - Suhai, P.S.- Dumra, Distt - Sitamarhi.
 2. Uday Mahto @ Uday Kumar @ Uday Kumar Mahto Son of Surendra Mahto Resident of Village - Suhai, P.S.- Dumra, Distt - Sitamarhi.
 3. Sunaina Devi Wife of Surendra Mahto Resident of Village - Suhai, P.S.- Dumra, Distt - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalita Devi D/o Charita Mahto Resident of Village - Belahi Neelkanth, P.S.- Runi Saidpur, Distt - Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are father-in-law, brother-in-law and mother-in-law of the informant- opposite party no. 2 who are seeking anticipatory bail in connection with Sitamarhi (Sadar) Mahila P.S. Case No. 28 of 2018 registered for the offence punishable under Section 498A/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Learned counsel for the petitioner submits that as per the first information report the opposite party no. 2 claims that she was married to Sanjay Mahto the son of petitioner no. 1 on 24.03.2015 and she gave birth to a son out of the said wedlock



who is two years old now. It is also alleged that the informant was thrown out of her sasural on 31.03.2015 thereafter, she was living in her maike and lodged the FIR on 15.07.2018.

It is submitted that there are general and omnibus allegation of demand of dowry against the accused persons. Learned counsel for the petitioners has drawn attention of this Court towards Annexure '2' which is an information petition bearing No. 895 of 2016 submitted in the court of learned Chief Judicial Magistrate, Sitamarhi on behalf of the husband Sanjay Mahto. In his petition he has stated that the informant had been married thrice earlier and after leaving her three husband, she was now pressurizing the said Sanjay Mahto (information applicant) to marry her. It is submitted that as per her own statement, the informant had stayed in the house for hardly 8 days in the year 2015.

Learned counsel for opposite party no. 2 has opposed this application as according to him, these petitioners are not allowing the informant-opposite party no. 2 to live in the matrimonial home and hence, they do not deserve privilege of anticipatory bail.

Considering the facts and circumstances of the case wherein these petitioners are father-in-law, brother-in-law and mother-in-law of the informant and there is serious dispute



between the informant and her husband Sanjay Mahto who is denying the marriage and in this regard he has submitted an information petition in the court below, let the petitioners above named in case of their arrest or surrender within a period of four weeks from today in connection with Sitamarhi Mahila P.S. Case No. 28 of 2018 be released on bail on furnishing of bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required:

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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