

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76728 of 2019

Arising Out of PS. Case No.-1162 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Anil Mahto, son of Late Laxmi Mahto, Resident of Village - Satalampur, P.S.- Warisnagar, District - Samastipur.
 2. Sunil Mahto, son of Late Laxmi Mahto, Resident of Village - Satalampur, P.S.- Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gunjaa Kumari, daughter of Surendra Choudhary, Resident of Village - Runni Saidpur, P.S.- Runni Saidpur, P.S. and District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad, A.P.P.
For the Informant	:	Mr. Puspendra Kumar Singh, Advocate
		Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-02-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 498A and other sections of the Indian Penal Code.

As per the allegation in the complaint, the complainant was tricked into marrying with one Dinesh Mahto giving a false impression that he was a government employee. It is further stated that the accused persons including the petitioners herein



made demand of Rs. 5 lacs by way of dowry. There is further allegation of beating up, torture and of taking away the ornaments etc, of the complainant.

It is submitted by learned counsel for the petitioners that the petitioners happen to be the brothers of the husband of the complainant, they are living separately since the year 2012 when a family arrangement was entered into resulting in partition while the marriage between the complainant and the brother of the petitioners took place in the year 2017. It is further submitted that the allegations are general and omnibus in nature and the petitioners have no criminal antecedent.

It is submitted by learned counsel for the complainant that not only the petitioners are closely related being the brothers of the husband of the complainant but they are named in the complaint and there is direct allegation of demand of dowry and of torture against them. It is finally submitted that in any case this is not a fit case for grant of anticipatory bail to the petitioners.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegations, the relationship



between the petitioners and the complainant together with the material on record including the petitioners having no criminal antecedent, the Court is inclined to enlarge the petitioners on bail. The petitioners above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Complaint Case no. C1-1162 of 2018 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sadar, Sitamarhi, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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