

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84894 of 2019

Arising Out of PS. Case No.-253 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

Jairam Mahto, aged about 22 years, Male, S/o Sri Sukhdev Mahto, Resident
of Village- Patkhauliya, Police Station - Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Ajit Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-08-2020 Heard Mr. Anil Kumar, the learned counsel appearing

on behalf of the petitioner and Mr. Ajit Kumar, the learned

Additional P.P.

The petitioner apprehends his arrest in Muffasil P.S.

Case No.253 of 2019, registered under Section 363 of the Indian

Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

The informant, brother of Champa Kumari, wife of

the petitioner alleged that the marriage of his sister was

solemnized on 16.04.2019 with Jairam Mahto, the petitioner.

After marriage, his sister went to her Sasural but after one

month, her husband and other in-laws started torturing his sister

due to non-fulfillment of additional demand of dowry. It is

further alleged that the accused persons drove his sister out from



the house and his sister is still traceless.

Learned counsel for the petitioner submits that the petitioner is of course the husband of Champa Kumari but Champa Kumari had gone to her Naihar and she became traceless from her Naihar. Her brother, the informant lodged this case making false and frivolous allegation. It is further submitted that on 08.05.2019, the petitioner got his wife treated by Dr. R.D. Maurya. The doctor advised her to rest. It is further submitted that the wife of the petitioner is still traceless. Other family members have already been enlarged on anticipatory bail by order dated 15.11.2019, passed in Cr. Misc. No.69204 of 2019. The case of the petitioner stands on the same footing and, therefore, the petitioner also deserves anticipatory bail.

The learned Additional P.P. opposed the prayer for anticipatory bail.

Having heard both sides and on perusal of the records and the case diary, it appears that the informant alleged that only after one month of marriage of his sister with the petitioner, the petitioner and his family members started torturing his sister due to non-fulfillment of additional demand of dowry. Later on the petitioner and his family members drove his sister away from the house. His sister is still traceless. During the course of



investigation, the witnesses have also reiterated the facts that the wife of the petitioner became traceless from the house of the petitioner.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

