

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78776 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- MAHILA PS District- Jamui

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Sintu Kumar @ Sintu Mahton @ Sintu Mahto, aged about 25 years, Male, son
of Damodar Mahto, Resident of Lohra, P.S.-Jamaui, District-Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, wife of Sintu Mahto, D/o. resident of Nawadih, P.S.-Sikandra,
District-Jamui

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Parasar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the O.P. No. 2	:	Mr. Parmanand Prasad Narayan Sahi, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-10-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Satya Prakash Parasar, learned counsel
for the petitioner; Mr. Jharkhandi Upadhyay, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State and Mr. Parmanand Prasad Narayan Sahi, learned counsel
for the opposite party no. 2.

3. The petitioner apprehends arrest in connection with
Jamui Mahila PS Case No. 39 of 2019 dated 10.06.2019,
instituted under Sections 498A/379/307/34 of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act, 1961.

4. The matter had been taken up and heard yesterday



also but due to non-availability of learned counsel for the petitioner, the Court, by way of indulgence, had adjourned it for today. Today, learned counsel for the petitioner submitted that he had communicated the order of the Court dated 04.09.2020 by which the exercise was directed to the petitioner and he had informed him that he would talk to the opposite party no. 2, who is his wife. However, he submitted that the petitioner has not contacted him with regard to the exercise having been completed or not, as per the order of the Court.

5. At this juncture, the Court called upon learned counsel for the opposite party no. 2 to ascertain as to whether the petitioner has contacted the opposite party no. 2 and has made efforts to take her to the matrimonial home along with the minor girl child. He submitted that no attempt whatsoever has been made by the petitioner for taking the opposite party no. 2 and the minor girl child with him to the matrimonial home. Under the circumstances, the Court finds that the indulgence being shown to the petitioner till now is misplaced and accordingly the matter has been heard on merit.

6. The allegation against the petitioner is that after marriage to the opposite party no. 2, about six years prior to lodging of the FIR, a girl child was born and thereafter the



petitioner and his family members started torturing the opposite party no. 2 mentally, physically and also assaulted her and demanded two lakhs rupees dowry.

7. Learned counsel for the petitioner submitted that the allegation is false as the opposite party no. 2 is a quarrelsome lady and also used to run away to her parents' place. It was further submitted that the petitioner has also filed a divorce suit.

8. Learned APP submitted that the allegation against the petitioner is very natural and appears to be quite genuine and the petitioner being the husband cannot claim innocence.

9. Learned counsel for the opposite party no. 2 submitted that before the Court the petitioner had taken a categorical stand on 04.09.2020 that he would keep the opposite party no. 2 and the girl child and despite the order being communicated to him and learned counsel representing him having been told that the petitioner would contact the opposite party no. 2, till date, him not even contacting the opposite party no. 2 or even his counsel, indicates that the petitioner has absolutely no regard for the order of the Court or intention to keep the opposite party no. 2, though he is both morally and legally bound to support the wife and especially the minor child, who has no fault and is the major sufferer in the fight between



the petitioner and the opposite party no. 2. It was submitted that it is not believable that a girl would leave the matrimonial home, especially when she is the mother of an infant girl child as she knows that there is no other place or no other future for her except with the person who is the father of her child. It was further submitted that even the allegation of demand of dowry is very natural for it has been stated in the FIR that after the birth of the girl child the demand started, which also is absolutely natural and believable, especially in the present social scenario. Learned counsel submitted that from a plain reading of the FIR it would be clear that there is no cosmetic addition with regard to the allegations and whatever has been stated is quite believable.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and taking an overall view in the matter, the Court is not inclined to grant pre-arrest bail to the petitioner.

11. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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