

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1138 of 2020**

Arising Out of PS. Case No.-77 Year-2019 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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BHUSHAN MAHTO, Son of Sri Shivdat Prasad Singh @ Shivdat Mahto
Resident of Village- Alpa, P.S.- Pauthu, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sadhna, Devi Wife of Bhushan Mahto, Resident of Village- Alpa, P.S.- Pauthu, District- Aurangabad. Present address- Daughter of Sri Dudheshwar Prasad, Resident of Village- Purnadih, P.S.- Obra, District- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Opposite Party/s : Mr. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-02-2020 Heard learned counsels for the petitioner and the

State.

The petitioner, being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complainant is that the complainant, Sadhana Devi was married with the petitioner, Bhushan Mahto on 18.04.2012 and subsequently, they were blessed with two children. But thereafter, further dowry demand of Rupees One Lac cash and a motorcycle was made and due to



non-fulfillment of the same, torture was inflicted upon the complainant. Ultimately, on 07.06.2017, the complainant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour along with the children. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That petitioner is always ready to keep the complainant along with child in his house with regard to her dignity and respect....”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Aurangabad, in connection with Complaint Case No. 77 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the



petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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