

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18391 of 2020**

Arising Out of PS Case No.-120 Year-2018 Thana- SAHIYARA District- Sitamarhi

Ranjeet Kumar @ Ranjeet Mahto (M), aged about 27 years, Son of Upendra Mahto, Resident of Village - Bela Parsa, PS - Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Devi (F), aged about 24 years, Wife of Ranjeet Kumar @ Ranjeet Mahto, Daughter of Pachchu Mahto, Resident of Village - Bhaudah, P.S. - Sahiyara, District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate
For the State	:	Mr. Mukeshwar Dayal, APP
For the Opposite Party No. 2	:	Mr. Ayush Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Devendra Kumar, learned counsel for the petitioner; Mr. Mukeshwar Dayal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Ayush Kumar, learned counsel for the opposite party no. 2

2. The petitioner is in custody in connection with Sahiyara PS Case No. 120 of 2018 dated 22.07.2018, instituted under Sections 341/323/324/498(A)/494/379/504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.



3. On 01.12.2020, the petitioner was granted provisional bail and the matter was sent for Mediation before the Civil Court, Sitamarhi. Unfortunately, Mediation has failed.

4. Thus, the matter has been heard on merit.

5. The allegation against the petitioner is that he demanded dowry from the opposite party no. 2, who is handicapped, and had also remarried.

6. Learned counsel for the petitioner submitted that the opposite party no. 2 did not want to live with him and wanted the petitioner to go and live with the parents of the opposite party no. 2 which is the cause of dispute. It was submitted that the petitioner is still ready to keep the opposite party no. 2 with him. However, the fact of second marriage is not denied.

7. Learned APP submitted that in the order impugned of the Court below, it has come that the petitioner had married another woman on the pretext that she would take care of the opposite party no. 2, but it appears that the motive was something else and the opposite party no. 2 has become a victim of high handedness of both the petitioner and the second wife.

8. Learned counsel for the opposite party no. 2 submitted that she has filed affidavit in which it has been stated that the petitioner had taken a false plea before the Court below



that for taking care of the opposite party no. 2 the second marriage was solemnized and further, that during Mediation and even after that, the petitioner and his second wife have been sending abuses and threats to the opposite party no. 2.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

10. Accordingly, the application stands dismissed.

11. The provisional bail granted to the petitioner stands cancelled. The petitioner shall surrender before the Court below latest by 06th February, 2021 and surrender certificate shall be filed in this Court, in the present proceeding, on his behalf latest by 12th February, 2021, failing which the Registry shall place the matter before the Bench.

(Ahsanuddin Amanullah, J.)

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