

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38011 of 2021**

Arising Out of PS. Case No.-389 Year-2019 Thana- BUXAR COMPLAINT CASE District-
Buxar

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RAKESH MAHTO @ SANTOO MAHTO Son of Bipin Mahto Resident of
Mangraganj, Police Station - Mangra, District - Hoogly, State of West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi Daughter of Dameshwar Chaudhary and Wife of Rakesh Mahto
Resident of Mangra Thana Road Mahabir Mandir Ke Pas, Police Station -
Mangra Ganj, District - Hoogly, State of West Bengal, At present resident of
Sohani Patti, Ward No. 33, Police Station - Buxar Town, District -Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dimpal Kumari
For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-08-2021 Heard learned counsel for the petitioner and learned

APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Section 498A of the Indian Penal Code.

Allegation against the petitioner is of committing
torture upon the victim due to non-fulfillment of demand of
dowry.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 389(C) of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection



with the aforesaid case.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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