

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.725 of 2021

Arising Out of PS. Case No.-7 Year-2006 Thana- TARIYANI CHOWK District- Sheohar

SANJAY MAHATO Son Of Bechan Mahato Resident Of Village - Bajitpur, P. S. - Madhuvan, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chinta Devi W/O Sanjay Mahto Resident Of Village - Bajitpur, P. S. - Madhuvani, District - East Champaran. At Present Chinta Devi, D/O Ramdyal Mahto R/O Village Narwara, P. S. - Triyani, Dist. Sheohar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Mahto, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-06-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Tariyani P.S. Case no. 7 of 2006 registered under sections 498A, 307 and 379 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the FIR, the informant was married to the petitioner but soon after the marriage, the accused persons including the petitioner herein started to torture her for dowry.



It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The petitioner happens to be the husband who is in custody since 20.2.2020 and has no criminal antecedent. He undertakes to abide by all the conditions which may be laid by this Court.

The application for bail is opposed by learned Additional Public Prosecutor for the State who submits that the petitioner has been absconding in the case for 14 years.

Having heard learned counsel for the parties and on going through the records of the case together with the report received from the learned Court below, it transpires that in a case/FIR of the year 2006, on account of the petitioner absconding, the trial was split in the year 2011. The petitioner is in custody since 20.2.2021, i.e., for 1 year 4 months.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner having remained in custody for 1 year 4 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Tariyani P.S. Case no. 7 of 2006 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Sub-Divisional
Judicial Magistrate, Sheohar.

It is directed that one of the bailor of the petitioner
shall be either of his parents and the other shall be a government
servant.

It is further directed that the petitioner shall remain
physically present in Court on each date and cooperate in the
trial and in case of the petitioner's absence on any date for
reasons not to the satisfaction of the learned trial Court or his
non-cooperation, the learned trial Court shall be at liberty to
cancel the bail bond of the petitioner and take him into custody
till conclusion of the trial.

(Partha Sarthy, J)

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