

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41113 of 2020

Arising Out of PS. Case No.-3393 Year-2012 Thana- SARAN COMPLAINT CASE District-
Saran

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DEEPAK MAHATO @ DEEPAK MAHTO Son of Godhan Mahato Resident
of Village - Bichala Telpa near Police Line, P.S.- Chapra Town, Distt.- Saran
(Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi D/o Lachhu Mahato, W/o Deepak mahto Resident of Village -
Naini, P.S.- Chapra Muffasil, Distt.- Saran (Chapra).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Laxmi Kant Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for
grant of regular bail in connection with Trial No. 556 of 2020
arising out of Complaint Case no. 3393 of 2012 registered under
sections 498A of the Indian Penal Code and sections 3/4 of the
Dowry Prohibition Act.

Petitioner happens to be the husband of the opposite
party no. 2 / complainant.

It is submitted by learned counsel for the petitioner
that the earlier application for anticipatory bail of the petitioner
was allowed vide order dated 13.2.2014 (Annexure 1) passed in
Cr. Misc. no. 43290 of 2013 whereby provisional anticipatory



bail was granted to the petitioner with the direction to deposit Rs. 750/- per month in Court below. Notices were issued to the opposite party no. 2 in the said petition and subsequently by order dated 15.10.2014 (Annexure 1/1), provisional bail was confirmed. It is submitted by learned counsel for the petitioner that as the opposite party no. 2 solemnised another marriage, after making payments of the aforesaid amount till 16.3.2017, thereafter, the petitioner stopped paying the monthly amount. The bail of the petitioner was cancelled on 19.11.2018 and he was taken into custody on 19.9.2020. It is submitted that he has remained in custody for more than six months and as such he be enlarged on bail.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the materials on record, it transpires that by order dated 13.2.2014 while giving direction to the petitioner to pay a sum of Rs. 750/- per month, it was observed that “in case he fails to do so, his anticipatory bail would be automatically cancelled”. Further while confirming his provisional bail by order dated 15.10.2014, this Court once again observed that his



bail was being confirmed on the same terms. The only recourse available to the petitioner was to comply with the directions given in the aforesaid order of this Court or else to get the same modified.

Having heard learned counsel for the parties and taking into consideration the submissions made, the petitioner is directed to be enlarged on bail in connection with Trial No. 556 of 2020 arising out of Complaint Case no. 3393 of 2012 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, Chapra on the following conditions:

(I) The petitioner shall be released only after he has paid the up-to-date arrears of the amount of Rs. 750/- per month as fixed by order dated 13.2.2014 passed in Cr. Misc. No. 43290/2013

(II) In case the petitioner defaults in payment of the monthly amount as fixed by the aforesaid order dated 13.2.2014, his bail bond may again be cancelled.

(Partha Sarthy, J)

Spd/-

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