

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 5908 of 2021**

Arising Out of PS. Case No.-1417 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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RAJESH MAHTO Son of Rvindra Mahto Resident of Village- Rasulpur
Turki, P.S.- Bhagwanpur in the district of Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Malti Devi W/o Ravindra Prasad (Mother of Late Poonam Devi) Resident of
Village- Rajarampur, Police Station- Saraiya in the district of Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Ranjeet Kr, Sunil Kr, Advocates
For the Opposite Party/s : Mr Rabindra Kr, APP
For the I n f o r m a n t : Mr Lakmesh Marvind, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-06-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner, complainant and
the learned APP for the State.

The petitioner seeks bail in Muzaffarpur Complaint Case
No 1417 of 2018 instituted for the offence punishable under
Sections 323, 379, 494, 498A/34 of Indian Penal Code (for
brevity, *IPC*) and Sections 3/4 of Dowry Prohibition Act.

It is the case of the complainant that her marriage was
solemnized with the petitioner in the year, 2004 after giving
dowry in the form of cash and various articles. She has,



thereafter, been ousted from the house on 25.08.2018. Accordingly, a case has been lodged under Section 498A of IPC alleging that in order to solemnize marriage with Puja Devi, the complainant has been driven from the matrimonial home after being subjected to torture.

Learned counsel for the petitioner submits that the allegations, made in the complaint petition, are false. The fact that complaint has been lodged at least 14 years after the marriage, is suggestive of the mala fide prosecution launched against the petitioner. Even as per the complaint petition, the petitioner was driven out of her house on 25.08.2018 itself and she has finally succumbed to some illness on 25.07.2019, due to cardiac arrest. Petitioner is in custody since 26.09.2020.

Learned counsel for the complainant submits that in fact the petitioner had perpetrated grave assault against the complainant. She had suffered internal injuries at her matrimonial home before she was driven out and, after prolonged treatment, died. However, he is not able to point out any such allegation in the complaint petition.

Learned APP for the State also opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above



named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Complaint Case No 1417 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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