

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49143 of 2019

Arising Out of PS. Case No.-75 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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AMRESH KUMAR MAHTO @ AMLESH KUMAR MAHTO, aged about 25 years (Male), Son of Bharat Mahto, Resident of Village - Pittha Dowri, P.O.- Sonupur, P.S.- Rosera, District – Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rani Kumari, Wife of Amresh Kumar Mahto, D/o - Phulen Mahto, Resident of Village - Mariari, P.S.- Angargh, District – Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Vinay Kumar Mishra, Advocate.
For the O.P. No. 2	:	Mr. Surendra Kumar, Advocate.
For the State	:	Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 04-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the petitioner, opposite party no. 2 and learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to make necessary correction in prayer portion of the bail application.

The petitioner is apprehending his arrest in connection with Trial No. 1495 of 2019, arising out of Complaint Case No.



75 of 2018 for the offence registered under Sections 323, 341 and 498(A) of the I.P.C.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. The case is triable by the Magistrate. The petitioner has further 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 learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact



that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

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 bonds to the satisfaction of the learned Sub Divisional Judicial Magistrate, Dalsingsarai, Samastipur, in connection with Trial No. 1495 of 2019, arising out of Complaint Case No. 75 of 2018, 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.

The petitioner is directed to co-operate during the trial. If the petitioner does not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioner.

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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

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