

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4639 of 2023

Arising Out of PS. Case No.-998 Year-2020 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

RAKESH KUMAR @ RAKESH MAHTO S/o Mahendra Mahto R/o Village-
Bhaluaha, P.S.- Kanhauli, Distt- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Bharti W/o Rakesh Mahto and D/o Late Raj Kishore Sah At present
residing at Village- Dostiya, P.S.- Sonbarsa, Distt- Sitamarhi (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-10-2023 Heard Mr.Uday Kumar, learned counsel for the
petitioner, learned counsel for the complainant and Mr.Raj
Ballabh Singh, learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.C1-998 of 2020,
Complaint dated 08.12.2020 registered for the offences
punishable under Section 498(A) of IPC.

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due
to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent. He has falsely been



implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition.

5. Vide order dated 27.07.2023 the matter was referred to the Mediation and Conciliation Center of the Patna High Court for amicable settlement of the dispute between the parties. Report of the learned Mediator dated 04.10.2023 reveals that the dispute between the parties could not be resolved, hence, the mediation has failed.

6. Learned counsel for the petitioner submits that in fact the petitioner has performed the second marriage with the complainant and the complainant has also performed the second marriage.

7. Learned counsel for the complainant, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that due to non-cooperative attitude of the petitioner, the mediation has failed and the complainant is ready to live with the petitioner.

8. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of



receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No.C1-998 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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