

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39435 of 2023

Arising Out of PS. Case No.-1800 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Permanand Mahto son of Indrashan Mahato Village- Lamaniya Ward No-5,
Po Ps- Sugauli Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uma Kumari wife of parmanand Mahto, D/o- Jagdeo Mahto Village-
kanhwa Po Ps- Kotwa Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and the learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner is apprehending his arrest in
connection with Complain Case No. 1800/ 2022 registered for
the offence punishable under Sections 498(A) & 323 of the
Indian Penal Code (for brevity 'IPC').

3. There is an allegation against the petitioner
(husband) that he has subjected the complainant to torture for
non-fulfillment of demand of she-bufallo and Rs. 2,00,000/-
(Two lakhs) for the purposes of carrying on business. The
complainant has also alleged that petitioner had attempted to set
her ablaze after pouring kerosene oil.



4. Learned counsel for the petitioners submits that allegations are false. Allegation levelled in the complaint petition regarding attempt to set ablaze the complainant is of 16-07-2022. However, Complaint case has been lodged after four (4) days i.e., on 20-07-2022. This itself indicates falsity of the allegation. It is also submitted that the alleged demand for carrying on business does not come within the expression 'dowry'.

5. It is further submitted that petitioner is willing to allow her to live with him in the matrimonial home with full honour and dignity. He will submit undertaking on affidavit.

6. Learned APP for the State has opposed the prayer for anticipatory bail.

7. Having regard to the submissions advanced by the petitioners' counsel, submission of undertaking on affidavit, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned S.D.J.M., Sadar, Motihari, East Champaran, in connection with Complain Case No. 1800/2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner concerned. The bailors 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 bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj Kishore/-

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