

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46338 of 2023

Arising Out of PS. Case No.-151 Year-2023 Thana- TEKARI District- Gaya

Mantu Raut @ Mantu Kumar, Son of Kamlesh Prasad @ Kamlesh Raut,
Resident of Village- Mishra Bigha, P.S.- Tekari, District- Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Kajal Kumari, Wife of Mantu Raut @ Mantu Kumar, Resident of Village-
Mishra Bigha, P.S.- Tekari, District- Gaya

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Bharat Lal, APP
For the O.P No. 2	:	Mr. Vishwa Ranjan Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioner, learned
counsel for the informant-opposite party no. 2 and learned APP
for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Tekari P.S. Case No. 151 of 2023 registered for the offences punishable under Sections 323, 341, 307, 504, 506, 498A, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He has no criminal antecedent.

3. As per the prosecution story, the informant alleged that she was married to this petitioner in the year 2017 as per Hindu rites and customs and her parents gave a sum of Rs.4,00,000/- with some jewelry and articles. The informant



submits that she has two children out of the said wedlock. After about two and half years of the marriage, the petitioner started demanding Rs.4,00,000/- for purchasing four-wheeler vehicle and when the informant's family refused to give the money, he started torturing her. After a panchayati was held, the petitioner continued demanding Rs.4,00,000/- and finally ousted the informant with her two children from her matrimonial house.

4. Earlier, vide order dated 10.08.2023, this case was referred to the mediation centre on the prayer of learned counsel for the parties but at this stage, the report received from the mediation centre says that the mediation failed.

5. Learned counsel for the petitioner submits that the allegations against him are false, concocted and baseless. It is submitted that the informant is a lady with lose temper and she went to her *maiyyka* without consent of the petitioner and she did not want to live with him.

6. Learned counsel for the informant submits on instruction that because of the assault and torture of the petitioner, the informant is afraid and she is not ready to live with the petitioner. It is also submitted that the petitioner is neglecting the informant and her two children who are with her and not a single farthing is being paid towards their look after



which is another form of cruelty upon the informant and her two children.

7. At this stage, learned counsel for the petitioner submits that to show his bonafide, the petitioner will pay a sum of Rs.3,000/- per month for the present to the informant subject to an appropriate order which may be passed in a duly constituted maintenance case. Such payment shall be made to the informant within first seven days of every month in her bank account.

8. Having regard to the facts and circumstances of the case and the bonafide shown by the petitioner, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Tekari P.S. Case No. 151 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that in terms of his assurance, the petitioner shall pay Rs.3,000/- per month for the present subject to result of an appropriate proceeding every



month within first seven days. The informant shall furnish her bank account to the petitioner for such purpose. In case, the condition is not complied with, the informant may file an application in the learned court below for cancellation of bail bond of the petitioner.

10. 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 criminal antecedent, 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.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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