

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59232 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Baijnath Mahto @ Vidyanath Mahto S/O Late Ram Pukar Mahto R/O
Village- Rahua Tole Garai Tol, Ward No. 09, P.S. Rosera, Dist. Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi W/O Baijnath Mahto @ Vaidyanath Mahto R/O Village-
Rahua Tole Garai Tol, Ward No. 09, Ps. Rosera, Dist. Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 310 of 2022 wherein processes have been directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code.

3. As per prosecution case, the complainant is the wife of the petitioner and marriage was solemnized 24 years ago. The allegation against the petitioner is that he has illicit



relationship with his sister-in-law, assaulted and tortured the complainant, has been demanding Rs.Two lakhs as dowry and due to non-fulfillment of this demand, threw out the complainant from her matrimonial home and refused to keep her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The case of the complainant is not believable. The marriage has been solemnized 24 years ago and there are six children out of this marriage and all of them are living with the petitioner. In such circumstances, the allegation of demand of Rs.Two lakhs after 24 years of marriage is not believable. The petitioner wants to keep his wife with honour and dignity but she has been making things difficult for the petitioner. Learned counsel further submits that the learned court below has taken cognizance under Section 498A of the Indian Penal Code against the petitioner and he may be taken into custody without any fault of his own.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



long duration of marriage and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Rosera, District - Samastipur/concerned court in connection with Trial No. 846 of 2023, arising out of Complaint Case No. 310 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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