

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58971 of 2023

Arising Out of PS. Case No.-2192 Year-2014 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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VIJAY MAHTO SON OF RAMABTAR MAHTO VILLAGE RAMPURDIH
PS BISANPUR DISTRICT DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. GEETA KUMARI WIFE OF VIJAY MAHTO, D/o Maheswar Mahto, RES-
IDENT OF VILLAGE- CHACKMEHSI, PS- CHACKMEHSI, DIST-
SAMASTIPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Baidya Nath Prasad, Advocate.
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma, APP.
For O.P. No.2	:	Ms. Aastha Ananya, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-12-2023 Heard Mr. Baidya Nath Prasad, learned counsel

 appearing on behalf of the petitioner, Mr. Lakshmi Kant

 Sharma, learned counsel appearing on behalf of the State and

 Ms. Aastha Ananya, learned counsel for the opposite party no.2.

 2. The petitioner seeks pre-arrest bail in connection

 with C.R. No.2192/2014 registered for the offence(s) punishable

 under Sections 341, 323, 379 and 498A of the Indian Penal

 Code and Sections 3/4 of the Dowry Prohibition Act.

 3. The present case relates to matrimonial dispute

 between the petitioner and the opposite party no.2 who are

 husband and wife. The allegation against the petitioner is of



assaulting the opposite party no.2 for non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the petitioner submits that the complainant herself don't want to live at her matrimonial home and has solemnized second marriage with other person. In this regard, petitioner has made specific statement in Para-7 and 9 of the bail application, which are reproduced hereinafter:

“7. That, the mater of fact complainant herself did not want to live at her matrimonial home with the petitioner and used to make pressure upon the petitioner to live separately to leave other family members at his Sasural but when the petitioner refused to do so then the present case was filed to make a concocted and false story.

9. That, it is also humble submission that complainant has solemnized second marriage with other person and she is living, as wife and husband with him and she has two children with second husband as per information collected by the family members of the petitioner from neighbour's of the complainant.”

5. Considering the statement made in Para-7 and 9 of the bail application, the District Court is directed to call upon the opposite party no.2 and if it is found that she is also living with another person without obtaining divorce from the petitioner, then in that case, the petitioner is directed to be released on bail in the event of his arrest/surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Samastipur in connection with C.R. No.2192/2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. In case parties are ready to amicably settle their dispute, then in that case, the District Court may allow at least one year time for the said purpose and in case the parties settle their dispute and starts living together, the order granting bail shall continue and in case of failure, the parties may resort to avail remedy in accordance with law.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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