

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27800 of 2023

Arising Out of PS. Case No.-1034 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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MUKESH KUMAR MAHTO @ MUKESH @ TILLU @ MUKESH
MAHTO S/O PRADIP MAHTO @ PRADIP KUMAR MAHTO Resident of
Village- Nartkatghat, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NITU MEHTA W/O MUKESH KUMAR MAHTO, D/O LATE VIDHAY
SAGAR MAHTO Resident of Village- Narkat Ghat, P.S.- Alamganj,
District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjum Perveen, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1034 of 2019, dated 22.08.2019
registered for the offences punishable under Section 498A of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act, 1961.

3. Learned counsel for the petitioner submits that this
is the second case instituted by the opposite party no. 2 against
the petitioner who is the husband. It is further submitted that by
order dated 18.09.2023 notices were issued on the opposite
party no. 2 and the same was filed in time but the office report



dated 10.11.2023 with respect to registered cover notice recorded that the addressee left the address and with respect to ordinary notice it was recorded that the addressee could not meet at the given address. It is next submitted that thereafter this Court by order dated 18.01.2024 directed the Senior Superintendent of Police, Patna to get the notices served on opposite party no. 2. It is also submitted that from perusal of the record, it would manifest that the report of the D.I.G.-cum-Senior Superintendent of Police, Patna is there on the record contained in letter no. 585 dated 13.03.2024 wherein it has been recorded that the opposite party no. 2 for the last eight years is not staying at her address.

4. In view of the report of the Senior Superintendent of Police, Patna, the notice is deemed to have been validly served.

5. Learned counsel for the petitioner at this stage submits that earlier the petitioner was implicated in Alamganj P.S. Case No. 151 of 2021 in which the petitioner had moved this Court seeking anticipatory bail by filing Cr. Misc. No. 55341 of 2022 and the same was allowed by a Coordinate Bench of this Court by order dated 04.07.2023. Learned counsel submits that Alamganj P.S. Case No. 151 of 2021 was registered



subsequent to the instant complaint case. It is further submitted that it absolutely does not stand to reason that as to why the opposite party no. 2 is not staying at her address which she has furnished. It is next submitted that the opposite party no. 2 has filed a case seeking divorce being Matrimonial Case No. 446 of 2017 in the Court of learned Principal Judge, Family Court, Patna which is pending adjudication. It is thus submitted that on the one hand the opposite party no. 2 has filed a case seeking divorce from the petitioner, on the other hand instituted the instant complaint case after two years and thereafter again in the year 2021 instituted Alamganj P.S. Case No. 151 of 2021 which amply demonstrates that the opposite party no. 2 only intends to harass the petitioner and is not interested in reviving her conjugal relationship.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 1034 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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