

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30101 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- LAUKAHA District- Madhubani

Lalit Kumar Mahto @ Lalit Kumar @ Lalit Mahto, (Male), aged about 30 years, Son of Kapileshwar Mahto @ Gurun Mahto, Resident of Village – Majhaura, Ward No.-8, P.S. Laukaha, District - Madhubani.

... .. Petitioner

Versus

1. The State of Bihar.
2. Priyanka Devi, aged about 20 years (Female), Wife of Lalit Mahto, Resident of Village – Majhaura, Ward No.-8, P.S. Laukaha, District – Madhubani. At present Daughter of Jag Narayan Singh, Present resident of Village - Parsahi Ward No. 8, P.S. - Ladaniya, District - Madhubani.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ravi Prakash, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 19-03-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. However, learned counsel for the opposite party no. 2 is not present despite valid service of notice upon the opposite party no. 2.

2. The petitioner is apprehending his arrest in connection with Laukaha P.S. Case No. 374 of 2021 dated 02.12.2021 registered for the offences punishable under Sections 341, 323, 498A, 504/34 of the I.P.C. and Sections 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other



co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfilment of demand of Rs. 2,00,000/- and a cow as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is submitted that the informant herself does not want to live with the petitioner. The petitioner is ready to keep the informant as his wife with full dignity and honour as stated in paragraph no. 12 of the bail petition. Learned counsel for the petitioner has relied upon the judgments of this Court in the case of “*Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in 2006(3) *PLJR 182*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The



petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No. 374 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of



reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

