

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60844 of 2023

Arising Out of PS. Case No.-1099 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

=====

GULESHWAR MAHTO S/O MEGHANA MAHTO R/O
VILLAGE/MOHALLA- KURMURI, PS. KANDE CHEWADA, DIST.
SHEIKHPURA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MANJU DEVI W/O GULESHWAR MAHTO R/O VILLAGE- KURMURI,
PS. KANDE CHEWDA, DIST. SHEIKHPURA, AT PRESENT MANJU
DEVI D/O BHAGWAN MAHTO, R/O VILLAGE- BHIKHAMPUR, PS.
RUPAU (ROH), DIST. NAWADA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Krishna Deo Raj, Advocate
For the State	:	Md. Iftekhar Mahmood, APP
For Opposite Party No.2	:	N o n e

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 11-07-2024 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Despite valid service of notice, nobody appears on
behalf of the Opposite Party No. 2.

3. The petitioner apprehends arrest in a complaint
case registered for the offences punishable under Sections 147,
148, 323, 379, 498A, 494 and 504 of the Indian Penal Code.

4. As per the complaint case, complainant solemnized
marriage with this petitioner 25 years ago according to Hindu
rituals but when she went to her matrimonial home, all the



accused persons started demanding dowry of Rs. 5,00,000/- and due to non-fulfillment of the demand, all the named accused persons, including this petitioner, tortured and harassed the complainant. It is further alleged that this petitioner, who happens to be husband of the complainant/Opposite Party No. 2 has also solemnized second marriage.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the informant and present case has been lodged due to petty family dispute. There is no allegation of assault against him. It is further submitted that petitioner is ready to keep the informant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment 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**.

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

7. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is allowed.

8. Accordingly, let the above named petitioner, in the



event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Nawada, in connection with Complaint Case No. 1099 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

shashank/-

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

