

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63478 of 2023

Arising Out of PS. Case No.-840 Year-2020 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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JITENDRA MAHTO @ JITENDRA @ KHEDARU MAHTO @
KHEKHARU MAHTO SON OF LATE BISHUN MAHTO RESIDENT OF
VILLAGE -NAVRANGABAGH, PS- BETTIAH TOWN, DISTT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. RADHE DEVI @ PAYAL DEVI DAUGHTER OF LATE VIJAY PRASAD
RESIDENT OF VILLAGE- NINWALIYA VISHAMBHARPUR, PS-
MAJHAULIA, DIST- WEST CHAMPARAN AT PRESENT, MOHALLA-
MITHA TOLI, NEAR KALI MANDIR, ILAM RAM CHOWK, GANJ NO
01, BETTIAH, PS- BETTIAH TOWN, DISTT- WEST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 6 03-07-2024 Heard learned counsel for the petitioner and the State.
- Despite service of notice no one appears for opposite party no.2.
2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 323, 504, 498A, of the
Indian Penal Code and Sections 3 & 4 of the Dowry
Prohibition Act.
3. As per the prosecution case, opposite party no.2 was
married with this petitioner about 10 years back and out of the
wedlock they had a girl child. Later on petitioner demanded to
transfer the land share of her mother in his name. Petitioner
also tried to burn opposite party no.2 by sprinkling kerosene oil
for which a case had also been lodged in 2018.
4. Learned counsel appearing for the petitioner while



denying the allegations, submits that the petitioner has falsely been implicated in this case because he is husband of the victim. As a matter of fact, petitioner is a poor person and it is opposite party no.2 who does not want to live with the petitioner. However, he is ready to keep the victim in matrimonial house with honour and dignity. The case is triable by the Magistrate. The petitioner has further relied upon the 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**.

5. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let this petitioner, as named above, 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 the Judicial Magistrate 1st class , Bettiah, West Champaran in Complaint Case No. 840C/2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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