

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80810 of 2024

Arising Out of PS. Case No.-390 Year-2010 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Krishna Mahto S/O Shankar Mahto R/O Village- Telpur, P.S- Lauriya, Distt.-
West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakshmi Prasad S/O Late Gopal Prasad R/O Village- Amawa Manjhar, P.S-
Bettiah Muffasil, Distt.- West Champarn at present Naurangabad Bettiah,
P.S- Bettiah, Distt.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard learned Advocate appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 390 of 2010, registered for the
offences punishable under Sections 498(A), 316 of the Indian
Penal Code and 3 and 4 of Dowry Prohibition Act.

3. Learned Advocate for the petitioner contended that
the Complaint Case was instituted against eight named accused
persons, however, the learned Court below has taken cognizance
only against on Sugriv Mahto, who happens to be the son-in-law
of the Opposite Party No. 2. Later on, in course of Trial, the

learned Trial Court having taken note of the deposition of the witnesses issued summons against the petitioner under Section 319 of the Cr.P.C. vide order dated 30.03.2017. It is further contended that since no process has ever been served to the petitioner and, as such, he was not acquainted with his implication in the present case, in the meantime, the learned Trial Court has also issued non-bailable warrant as well as the process under Section 82 of the Cr.p.C. However, it is the fact that no process under Section 83 has been issued.

4. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that the summons was issued way back on 30.03.2017, but the petitioner was avoiding his arrest and now the process under Section 82 of the Cr.P.C. has already been issued.

5. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is brother-in-law of the victim lady and his name has been implicated in this case vide order dated 30.03.2017, when for the first time summons have been issued under Section 319 of the Cr.P.C. It is also stated at the Bar that till date no process under Section 83 has been issued, coupled with the fair antecedent of the petitioner, let the petitioner above named be

released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate in connection with Complaint Case No. 390 of 2010, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J.)

Jyoti Kumari/-

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