

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1213 of 2024

Arising Out of PS. Case No.-381 Year-2009 Thana- PATNA COMPLAINT CASE District-
Patna

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Dharmendra Mahto@ Dharmendra Singh Son of late Nande Mahto @ Nand
Lal Singh R/o vill - Barahpur Bind Toli, Bishahari Asthan, P.S. - Mokama,
Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bedami Devi W/o Dharmendra Mahto R/o vill - Barahpur Bind Toli,
Bishahari Asthan, P.S. - Mokama, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate Ms. Kumari Pallavi, Advocate
For the Opposite Party/s :		Mr. Nand Kumar, APP Mr. Anil Kumar Singh, Advocate Mr. Rohit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-01-2024 1. Heard learned counsel for the petitioner, learned
A.P.P for the State and learned counsel for the Opposite Party
no.2.

2. The petitioner has preferred this application for
grant of regular bail in connection with Complaint Case
no.381(c) of 2009 registered under sections 498A and 323 of the
Indian Penal Code.

3. As per the prosecution case, the complainant was
married to the petitioner sometime around the year 2006. He
was regularly tortured by the accused persons specially the
petitioner herein who happens to be her husband and from time



to time forced out of the house. Several attempts by the well wishers to get the matter settled between the parties failed. The complainant was tortured, assaulted and was forced to leave.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the complainant. The allegations besides being general are lacking in material detail and are not supported with any documents. No other complaint etc. has been brought on record substantiating the allegations levelled. It is submitted that co-accused Dhanmanti Devi and Gangajali Devi have been enlarged on anticipatory bail vide order dated 7.10.2023 passed in Cr. Misc. no.58368 of 2023. The petitioner is in custody since 10.10.2023 and charge-sheet has been submitted in the case. He undertakes to cooperate in the case.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the Opposite Party no.2. Learned counsel for the Opposite Party no.2 submits that the petitioner happens to be the husband of the complainant and there is direct allegation of assault and torture against him and further he absconded for a period of almost 10 years.

6. Having heard learned counsel for the parties and



taking into consideration the nature of allegations in the complaint, cognizance having been taken under sections 498A and 323 of the Indian Penal Code, grant of anticipatory bail to the above named two co-accused vide order dated 7.10.2023 and the petitioner having remained in custody since 10.10.2023, the petitioner is directed to be enlarged on bail in connection with Complaint Case no.381(c) of 2009 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Barh, District- Patna.

(Partha Sarthy, J)

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