

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86057 of 2023

Arising Out of PS. Case No.-460 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Satyendra Mahto @ Satendra Kumar Mahto S/O Pukar Mahto R/O Village-
Bahadurpur Ward No. 13, P.S- Govindganj, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Devi D/O Jailal Mahto R/O Village- Machchargawa, P.S- Kotwa,
Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Complainant/O.P. No. 2: Mr. Anurag Kumar, Advocate
For the State : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner, Mr. Anurag Kumar, learned counsel appearing on

behalf of the complainant/opposite party no. 2 and Mr. Nand

Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Trial No. 1260 of 2022 arising out of
Complaint Case No. 460 of 2023, dated 25.02.2023 registered
for the offences punishable under Sections 323 and 498A of the
Indian Penal Code.

3. Petitioner is husband of the Complainant/Opposite
Party No. 2. Allegation is of demand of dowry and torture for
the same.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the ground that the petitioner is the husband of the Complainant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Pursuant to the order dated 18.01.2024, the matter was referred to the Patna High Court, Mediation Centre and the report of the learned Mediator dated 07.03.2024 reveals that in spite of best effort the mediation has failed.

6. Learned counsel for the petitioner submits that petitioner is ready to pay Rs. 6,000/- per month to the Complainant/Opposite Party No. 2 as a maintenance till the disposal of the Maintenance Case (if any).

7. Learned counsel for the Complainant/Opposite Party No. 2 has no objection in this regard.

8. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran, in connection with Trial No. 1260 of 2022 arising out of Complaint Case No. 460 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(i) The petitioner shall produce the demand draft of Rs. 6,000/- in favour of the Complainant/Opposite Party No. 2 namely, Lakshmi Devi (Account Holder Name-Lakshmi Kumari) vide A/c No. 20265746613, Name of the Bank- Fino Payment Bank, IFSC Code- FINO0001157 at the time of furnishing bail bond and the petitioner shall pay Rs. 6,000/- per month regularly in the account of the Complainant/Opposite Party No. 2 and if the petitioner fails to pay the aforesaid maintenance amount to the Complainant/Opposite Party No. 2, the Complainant/Opposite Party No. 2 shall be at liberty to move an application for cancellation of his bail bond before the appropriate forum in accordance with law.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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