

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31586 of 2025

Arising Out of PS. Case No.-424 Year-2024 Thana- COMPLAINT CASE District- Araria

Nand Kishore Mahto S/O Late Sadanand Mahto Resident of Village-
Raghunathpur Uttar, Ward No. 14, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Seema Devi W/O Nand Kishore Mahto, D/O Balmiki Mahto R/O Village-
Belai-Pothiya, P.S- Simraha, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 424C of 2024, dated
12.03.2024, registered for the offences punishable under Section
498A of the IPC and Section 3/4 of D.P. Act.

3. Admittedly, the marriage between the complainant
and the petitioner was solemnized in the year, 2009 and two
children were born out of the wedlock. As per allegation, there
is demand of Rs. 1,00,000/- towards dowry and on account of
non-fulfillment of the same, she is being subjected to cruelty by
the petitioner-husband and presently, the complainant is living at



her *maike* along with her two children.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the complainant-wife wants the petitioner to live as *gharjamai* at her *maike* and he has also filed one matrimonial petition under Section 9 of the Hindu Marriage Act which is pending consideration of the Court.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned concerned Court Below, in connection with Complaint Case No. 424C of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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