

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51946 of 2022

Arising Out of PS. Case No.-360 Year-2021 Thana- SARAIYA District- Muzaffarpur

Deepak Kumar Mahto @ Deepak Kumar S/o Raj Kumar Mahto R/o village-
Lalpura, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Devi, W/o Deepak Kumar Mahto, R/o Village – Lalpur, P.S. - Saraiya,
District Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Md. Shamimul Hoda, Advocate
For the State	:	Mr. Akbar Ali, APP
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 02-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a case registered for the offence under
Sections 313, 498-A of the Indian Penal Code and Section 3 / 4
of the Dowry Prohibition Act.

3. As per prosecution case, informant was married
with petitioner on 02.05.2015 and it is alleged that after the
marriage, this petitioner and his family members committed
torture and harassment to informant/opposite party no. 2 for
dowry and lastly, she was ousted from her matrimonial house.



4. While denying the allegations made in the present petition, learned counsel for the petitioner submits that petitioner has been falsely implicated in this case merely because he happens to be husband of opposite party no. 2. At no point of time, petitioner demanded any dowry or committed torture with opposite party no. 2 and is still ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the learned 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, in the event of arrest or surrender within a period of eight 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 learned S.D.J.M., West, Muzaffarpur in connection with Saraiya P.S. Case No. 360 of 2021, subject to the conditions, as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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