

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85718 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- CHANPATIA District- West Champaran

Mahesh Mahto @ Mahesh Kumar Son of Garabhi Mahto Resident of Village-
Kharg Pokhariya, Tola Jamuniya, P.S.- Chanpatiya, Dist- West Champaran
... .. Petitioner/s

Versus

1. The State of Bihar
2. Kusum Devi @ Kusum Kumari Wife of Mahesh Mahto @ Mahesh Kumar,
D/O- Binod Mahto Resident of Village- Hat Saraiya, P.S.- Bairiya, Distt.-
West Champaran
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Sanjay Kumar Tiwari, Adv. Mr. Pratik Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 06-08-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366A/365/376(3) of the Indian Penal Code and Sections 4/6/8 of the POCSO Act. However, charge sheet has been submitted under Section 498 (A), 341, 323, 504 of the Indian Penal Code.

3. Petitioner, who is husband of the informant, is said to have tortured upon her physically and mentally in association of his family members over the dowry demand.

4. The matter had earlier been sent to the Patna High Court Mediation Centre for amicable settlement of disputes



between the parties, but the mediation process failed.

5. It is submitted by learned counsel for the petitioner that all the allegations levelled against the petitioner are totally incorrect and as a matter of fact, the informant left her matrimonial house on her own will and thereafter, filed a maintenance case against the petitioner claiming Rs. 20,000/- per month as maintenance from him. However, subsequently, being fed up, the petitioner has also filed a matrimonial case for divorce u/s 13 of the Hindu Marriage Act on the ground of adultery and cruelty.

6. Learned counsel appearing for the informant, however, standsby the allegations levelled in the FIR and strongly opposes the prayer for anticipatory bail.

7. At this stage, learned counsel for the petitioner makes an offer that the petitioner would make the payment of Rs. 4000.00/- (Rupees Four Thousand) per month to the informant in the second week of every month for her sustenance.

8. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court below where the case is pending/successor Court in connection with Chanpatiya P.S. Case No. 106 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

10. Learned counsel for the informant is directed to furnish the bank account details of the informant in the learned Court below. If the informant fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant after she furnishes her bank account details. If the petitioner fails to pay the aforesaid amount on two consecutive months, the informant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

11. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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