

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60522 of 2024

Arising Out of PS. Case No.-1380 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Pramod Mahto Son of Mallu Mahto Resident of Village - Mahipura, Police
Station - Jandaha, District – Vaishali. Petitioner/s

Versus

1. The State of Bihar.
2. Sharmila Devi Wife of Pramod Mahto Resident of Village - Mahipura,
Police Station - Jandaha, District - Vaishali. Presently Daughter of Shankar
Mahto, Resident of Village - Gaddopur, Ward No.12, Police Station - N.H.
Bangra, District – Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Advocate Ms. Rani Shashi Bharti, Advocate
For the Opposite Party/s	:	Mr.Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the complaint, is apprehending his arrest in connection with T.R. No. 2994 of 2022 arising out of C.R. No. 1380 of 2022 registered for the offences punishable under Sections 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

3. The allegation against the petitioner is to commit mental and physical cruelty upon the complainant alongwith other co-accused persons/family members due to non-fulfillment of demand of cash of Rs. 1 lac and one motorcycle as dowry.

4. Learned counsel appearing on behalf of the petitioner



submitted that allegation as raised through complaint petition *qua* mental and physical cruelty is appearing very much general and omnibus in nature against the petitioner. It is submitted that the allegation raised after 11 years of the marriage and alleged to be continued which started in year 2011, which itself falsified the allegation and, furthermore, the complaint in issue is not supported by affidavit, which is contrary to the settled position of law as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***. Petitioner claimed clean antecedent.

5. Learned A.P.P. opposed the prayer of anticipatory bail.

6. In view of aforesaid factual submission and by taking note of the fact as allegation *qua* committing mental and physical cruelty appears very much general and omnibus against petitioner, where complaint also not supported by affidavit accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur/concerned court in connection with T.R. No. 2994 of 2022 arising out of C.R. No. 1380 of 2022, subject to the



conditions as laid down under Section 438(2) of the
Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita
(in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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