

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28319 of 2017

Arising Out of PS.Case No. -497 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Pasindar Mahto, S/O Harani Mahto, R/o Village- Shekho Dhanwat, P.S.- Saraiya Jaitpur, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Balmisir Mahto, S/o Hajari Mahato, R/o Village- Barauna, P.S.- Karja, District- Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vandana Singh, Advocate.

For the State : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Complaint Case No. 497/2012, Tr. No. 3523/2014 for the offences instituted under Sections 403, 406 and 417 of the IPC.

The prosecution story, in brief, is that the marriage negotiation according to the complainant was done by the petitioner for the marriage of Santosh Mahto with his daughter and all terms and conditions were settled on that day by him. Thereafter, the petitioner has assured for giving certain gifts alongwith amount and some amount was also given as customary



right. Thereafter, Rs. 51,000/- cash in presence of witnesses was also given to petitioner and the marriage date was fixed and some gifts were given to Santosh Mahto. The date of *Faldan* was fixed on 03.02.2012 and date of marriage on 14.04.2012 but later the groom side proposed not for *Faldan* rather it will in the whole cost more in marriage. On the date of occurrence, petitioner called the complainant to come alone and there the accused demanded motorcycle from the complainant by Santosh Mahto and this petitioner which was refused and later threatened for breaking of the marriage talk in spite of the request they deferred the date of programme of the marriage and the panches also requested but they refused it till the bike is given or its value, they were not ready and later refused to return Rs. 51,000/- and the golden chain on which petitioner stated that money has been spent and also refused to return the money and chain. The complainant also sustained loss of Rs. 30,000/- due to breaking of marriage.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The complainant wanted his daughter to make marriage to the son of the petitioner which was not accepted by the family of the petitioner. The present complaint has been filed only to put



pressure upon the petitioner and his family members.

On behalf of the State, it has been submitted that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 497/2012 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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