

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73709 of 2018

Arising Out of PS. Case No.-1927 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

1. Makdum Mian Son of Late Jaan Mahamad Mian.
2. Mantura Devi Wife of Makdum Mian
Both are Resident of Village- Tadhwa Virti Tola, Police Station-Bairiya,
District-West Champaran.

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.-7, Adv.

For the Opposite Party/s : Smt. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-02-2019 Heard learned counsels for the petitioners, opposite party
nos.2 and 3 as well as learned APP for the State.

Petitioner no.1, being the husband of the complainant,
whereas petitioner no.2, being the second wife of petitioner no.1
are apprehending arrest in a complaint case, wherein process has
been directed to be issued after cognizance being taken for the
offence punishable under Section 498A of the Indian Penal
Code.

The prosecution case as per the complaint petition is that
the complainant was married with petitioner no.1 about 30 years
prior to lodging of the present complaint case and subsequently,
blessed with two female children. It is alleged that after three



years of marriage, the petitioner performed second marriage with petitioner no.2 and thereafter both started inflicting torture upon the complainant. Subsequently, the petitioners started pressurizing the complainant to demand Rupees Fifty Thousand cash and a she buffalo from her parents and due to non-fulfillment of the same, torture was inflicted upon her. It is further alleged that on 25.05.2017, the complainant was driven out from the matrimonial house by the petitioners and other accused persons.

It is submitted by learned counsel for the petitioners that petitioner no.1 admits his marriage with the complainant more than three decades prior to lodging of the present complaint. It is further submitted that petitioner no.1 has performed second marriage as it is permissible under the Mohammedan law, but now the complainant is dead and both the daughters are married.

Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the daughters of the complainant who has been made opposite party nos. 2 and 3 in the present proceeding submits that torture was inflicted upon the complainant, but admits that the complainant is no more. He further admits that both the daughters of the complainant are married.

Considering the accusation of torture being levelled



more than after three decades of the marriage, petitioner nos. 1 and 2 being aged persons and considering the fact that the complainant has died, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Bettiah, West Champaran, in connection with Complaint Case No.1927C of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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