

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14202 of 2021**

Arising Out of PS. Case No.-354 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

MAHATAB DEWAN @ MOHTAB DEWAN S/o Jofail Dewan, R/o village-
Sirisiya Kala, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaibun Khatoon, D/o Md. Ataur Rahman Dewan, R/o village- Jamunapur,
P.S.- Adapur, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mrs. Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

13 20-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. C-354 of 2017, but due to typographical
mistake, it has been mentioned as Complaint Case No. C-354 of
2019 in the bail petition. Complaint Case No. C-354 of 2017 has
been registered for offence punishable under sections 498A and
323 of the Indian Penal Code.

As per allegation, the complainant was married to



petitioner in the year 2009. At the time of marriage, the affordable customary presents were given by the parents of the complainant to the petitioner. The accused persons tortured the complainant for non-fulfillment of demand of Rs. 2,00,000/- cash and a motorcycle. It has also been alleged that the petitioner has solemnized his second marriage.

The learned counsel for the petitioner has submitted that admittedly the marriage has taken place in the year 2009 and the complaint petition was filed after nine years of marriage. He has also submitted that though there is allegation of second marriage, but no cognizance has been taken under Section 494 of the Indian Penal Code. The cognizance has been taken only under Sections 323 and 498A of the Indian Penal Code.

The matter was referred to the District Mediation Centre, but the process of mediation failed due to non-appearance of the parties.

Considering the above-mentioned facts and circumstances, the petitioner above-named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of



learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Complaint Case No. C-354 of 2017, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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