

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43221 of 2014

Arising Out of PS.Case No. -2583 Year- 2013 Thana -SARAN COMPLAINT CASE District- SARAN

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1. HARESHWAR BHARATI @ TUNTUN BHARATI @ HARESHWAR BHARTI Son of Late Banaras Bharati
 2. Vijay Kumar Bharati @ Vijay Kumar Bharti
 3. Ajay Kumar Bharati @ Ajay Kumar Bharti
 4. Sanjay Kumar Bharati @ Sanjay Bharti All are sons of Hareshwar Bharati Resident of Village - Jagdev Sirisiya Mathiya, P.S. - Amanaur, District - Saran

.. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Sagar Giri S/o Late Satyadeo Giri, R/o Village Kamata, PS Bahiyapur, Distt. Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Indra Kumar Singh, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 30-07-2015 All the petitioners belong to the same family. They figured as accused in Complaint Case No. 2413 of 2014 on the file of Sub Divisional Judicial Magistrate, Chapra, wherein offence under Section 4 of the Dowry Prohibition Act was alleged.

The first petitioner admits that his son, the second petitioner, was to marry the daughter of the complainant and in the process, a sum of Rs. 3 lacs was paid as dowry and a motor cycle was also presented. Alleging that the promise was not kept and the second petitioner married another woman, the complaint was filed.

Apprehending their arrest, the petitioner filed ABP No. 479 of 2014 (Tr. No. 2413 of 2014) in the court of Sessions

Judge, Saran at Chapra. The same was rejected on 26.5.2014.

Hence this application.

Heard learned counsel for the petitioners and the learned A.P.P.

Though the allegation is about commission of offence punishable under Section 4 of the Dowry Prohibition Act, it was not filed before the Police, but before the criminal court. Secondly, the question as to whether there was payment of dowry and presentation of motor cycle by the complainant needs to be examined. In a way, the complainant also figured as an accused since he too is said to have paid the dowry. That however is a different aspect.

Having regard to the nature of the allegation, it is not necessary that the petitioners must be arrested. Hence this application is allowed.

It is directed that in the event of their arrest or surrender, the petitioners shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Chapra, Saran, in connection with Tr. No.2413 of 2014 arising out of Complaint Case No.2583 of 2013, subject to the conditions as laid down under Section 438(2) CrPC.

(L. Narasimha Reddy,CJ)

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