

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46328 of 2014

Arising Out of PS.Case No. -933 Year- 2013 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Vijay Prakash @ Vijay Kumar, Son of Late Ram Janam Singh @ Ram Janam Prasad
2. Monmati Devi, Wife of Late Ram Janam Singh @ Ram Jannam Prasad
Both residents of village - Paltu Bigha, P.S. - Makhdumpur, District - Jehanabad.

.... Petitioners

Versus

1. The State of Bihar
2. Lal Mohan Yadav, S/o- Sukhdeo Prasad, R/o Village- Allahganj, P.S. Makhdumpur, Distt- Jehanabad

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Varma

For the Opposite Party/s : Mr. Satyavarta Verma (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 30-07-2015 A complaint was submitted before the Chief Judicial Magistrate, Jehanabad against the petitioners alleging that they took cash of Rs.1,50,000/- towards dowry, but did not marry the daughter of the complainant which was registered as for the offence under Sections-406 of I.P.C. and 4 of Dowry Prohibition Act.

Apprehending their arrest, the petitioners filed A.B.P. No.697/2014 in the court of learned District and Sessions Judge, Jehanabad. The same was dismissed on 15.10.2014. Hence, this application for anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners submits that in the pre-cognizance evidence the complainant as well as his witnesses have stated that an amount of only Rs.20,000/- was paid as dowry, whereas in the complaint a higher amount was mentioned. There is no truth in the complaint at all.

Learned A.P.P. and learned counsel for the complainant submit that the petitioners took the amount and broke their promise.

The case is typical in nature. The amount is said to have been paid as dowry, without there being any marriage. Further, there is uncertainty about the amount said to have been paid. In matters of this nature it is not necessary that the accused must be arrested.

Petition is allowed.

In the event of arrest or surrender, let the petitioners named above be enlarged on anticipatory bail upon furnishing the bail-bonds of Rs.10,000/- (ten thousand) each along with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with

Complaint Case No.933/2013 (Trial No.3263/2014),
subject to the conditions laid down under Section-438(2)
of Cr.P.C.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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