

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40721 of 2015

Arising Out of PS.Case No. -128 Year- 2014 Thana -KAMTAUL District- DARBHANGA

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1. Shivnath Thakur @ Shiv Lala @ Shivilal Son of Late Maheshwar Thakur
@ Tapeswar Thakur
2. Vibha Devi Wife of Shivnath Thakur @ Shiv Lala
Both are residents of Village & P.O. - Lakhanpur, P.S. - Katra, District -
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. A.A.Khan (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-10-2015

Heard both sides.

The petitioners, namely, Shivnath Thakur @ Shiv Lala @ Shivilal and Vibha Devi, apprehend their arrest in a case under Sections 420, 406, 120B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The informant alleged that the petitioners received money for the marriage of his son with the daughter of the informant but, later on, the negotiation was broken due to excessive demand of dowry. The petitioners did not return money. Learned counsel for the petitioners submits that the allegation of giving money is false. The informant sent a legal notice making allegation of receiving money from the side of the petitioners and reply to the legal notice was sent in which the petitioners have



categorically denied the factum of receiving money. It is submitted that it was agreed between the parties that the informant could bear the cost of ring ceremony and, for that purpose, the informant transferred some money in the account of Arun Kumar. Later on, the daughter of the informant disclosed that she was having love affairs with someone else and, on account of such, the marriage negotiation was broken.

Learned counsel for the informant, however, opposed the prayer for anticipatory bail and submitted that huge amount was given to the petitioners and, therefore, the petitioners do not deserve anticipatory bail.

It appears that the petitioner no. 2 is, of course, named in the complaint petition but no specific allegation is made against the petitioner no. 2. The money was transferred in the name of Arun Kumar, the bridegroom, and not in the account of the petitioners. The case of the petitioners is that, of course, negotiation for marriage of Arun Kumar was settled with the daughter of the informant but the daughter of the informant herself informed the bridegroom as well as the mother of the bridegroom that she was having love affairs with someone else.

Considering the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the

learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail 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 Chief Judicial Magistrate, Darbhanga in Kamtaul P.S. Case No. 128/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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