

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53558 of 2015**

Arising Out of PS.Case No. -733 Year- 2013 Thana -AURANGABAD COMPLAINT CASE  
District- AURANGABAD

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1. Kamlesh Kumar  
2. Sanjay Kumar,  
3. Sunil Kumar,  
4. Rajkumar Prasad, All are Sons of Sri Rampravesh Seth, Resident of  
New Basti, Mahamudpur, Mugalsarai, P.S. - Mugalsarai, District -  
Chandauli, State - Uttar Pradesh.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Vishun Prasad Soni, Son of Balgovind Sao, Resident of Mangal Bajar,  
Ward No. 8, P.S. + P.O. - Navinagar, District - Aurangabad.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anuj Dilbar Krishna

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

3      01-02-2016                      Heard the Counsel for the petitioners and the Counsel  
for the complainant.

According to the complaint, marriage of his daughter  
with petitioner no. 1 was fixed and engagement function was held  
in which certain gifts including cash in the sum of Rs. 25,000/-  
was given to the petitioner. Subsequently, they demanded some  
more money whereon the marriage between them could not be  
solemnized. The petitioner no. 1 retained the said amount along  
with the other articles.

Counsel for the petitioners states that the allegations  
are got up. The petitioners had also given some gifts to the

complainant's daughter. Both the parties, however, have stated that the marriage of the girl has already solemnized. Counsel for the petitioners states that for securing the privilege of bail, petitioners would be willing to pay a sum of Rs. 25,000/- to the complainant without prejudice to his right and contention.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Surendra Kumar Mishra, Judicial Magistrate, 1st Class, Aurangabad in Complaint Case No. 733 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(iii) Along with the bail bond, the petitioners shall enclose the demand draft favouring the complainant or the document showing deposit/credit of a sum of Rs. 25,000/- in favour of the complainant. Such deposit shall be without prejudice to their right and contention in the case.

**(Kishore Kumar Mandal, J)**

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