

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55291 of 2015

Arising Out of PS.Case No. -205 Year- 2015 Thana -ARA MUFFSIL District- BHOJPUR

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1. Nagendra Tiwary, son of Sri Chatura Nand Tiwary,
 2. Sonu Tiwary, Son of Sri Nagendra Tiwary, Both resident of village Keshopur Bakari, Police Staton Udwant Nagar, in the district of Bhojpur.

.... Petitioners

Versus

1. The State of Bihar
2. Akhilesh Tiwari, son of Brajesh Nath Tiwari, R/O village-Babhnaulia, P.S. Ara (Mufassil), District-Bhojpur.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Prabhu Narayan Sharma, Advocate
For the Opposite Party : Mr. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 02-03-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Ara (Mufassil) P.S. Case No. 205 of 2015 for the offences instituted under Sections 406 and 420 of the IPC and Section 3/4 of the Dowry Prohibition Act.

The prosecution story is that the complainant-informant fixed the marriage of his sister with petitioner no.2 to be solemnized in November, 2014 and engagement took place on 07.04.2013 and further is that thereafter started demanding Rs.5 lacks in dowry and informant paid an amount of Rs.3,75,000/- to the petitioner no.1 but thereafter, the informant came to know that

the petitioners fixed marriage of petitioner no.2 with some other girl. On query, they assaulted the informant and drove him out and did not return the money taken from him.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The alleged date of occurrence is 07.06.2013 and in respect to that a complaint was filed on 06.01.2015. Prior to the institution of the present complaint case an information petition was filed vide Annexure-2 dated 29.12.2013. Delay in filing the complaint has not been explained by the prosecution. From perusal of Annexure-2, it is evident that the petitioners had filed an information petition stating that he was informed by the informant side that the girl with whom the marriage was to be performed has died in accident, hence the marriage could not be performed.

On behalf of the State and the counsel for the Complainant, it has been submitted that the petitioners are named in the FIR. On query by the court from the counsel for the informant regarding whereabouts of the girl, it has been submitted that the girl has already left the house and she is somewhere in the district of Asansol (West Bengal).

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of

their arrest or surrender before the learned court below within a period of six weeks from today in connection with Ara (Mufassil) P.S. Case No. 205 of 2015 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 CJM, Bhojpur, Ara, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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