

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35415 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

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Manish Kumar @ Manish Kumar Bhagat S/o Upendra Bhagat R/o vill.-
Basantpur, P.S.- Jandaha, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar Panday, Advocate.

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood (APP202)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 17-09-2016 Heard the learned counsel for the petitioner and the
informant.

Petitioner apprehends his arrest in connection with
Industrial Area P.S. case no. 55 of 2016, registered under Section
3 D.P. Act.

The allegation precisely is that for getting the
marriage of the informant, certain dowry was paid to and received
but subsequently the accused persons denied the marriage and also
return of the dowry amount.



Learned counsel for the petitioner submits that there is no documentary proof of the payment of the amount. There is delay of about one years in filing of the case. It is also submitted that for securing the privilege of anticipatory bail, the petitioner would be ready and willing to deposit as a condition of anticipatory bail part of the amount without prejudice to his right and contention.

Learned counsel for the informant, on the other hand, submits that the informant made payment after withdrawing the amount from his bank account. The details of the bank account will support the prosecution case.

Having considered the case in its entirety and considering the stand taken by the petitioner, let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of five weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Vaishali at Hajipur in connection with Industrial Area P.S. case no. 55 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family

member of the petitioner.

- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law
- (iii) Along with the bail bond the petitioner shall produce receipt showing payment of a sum of Rs. 1,00,000/- (One lac) in favour of the informant and/or a bank instrument of the said amount favouring the informant which the informant shall be entitled to receive and draw.

The aforesaid payment so made shall be without prejudice to the right and contention of the petitioner in the case and shall abide by the final disposal of the case.

(Kishore Kumar Mandal, J)

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