

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24647 of 2016

Arising Out of PS.Case No. -163 Year- 2016 Thana -DIHRINAGAR District- SASARAM
 (ROHTAS)

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1. Raju Ranjan Kumar @ Raju Sharma
 2. Nagendra Kumar @ Nagendra Sharma both sons of Mahendra Thakur @ Mahendra Sharma
 3. Shakuntala Devi wife of Mahendra Thakur @ Mahendra Sharma
 4. Mahendra Thakur @ Mahendra Sharma son of Jagdish Sharma
 All resident of Village Mohammadpur, P.S. Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s Mr. Subhash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 13.06.2016 Learned counsel for the petitioners is permitted to make necessary correction in prayer portion of the petition within the course of the day.

Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with a case registered under section 420/34 of the Indian Penal Code and 3/ 4 of the D.P. Act.

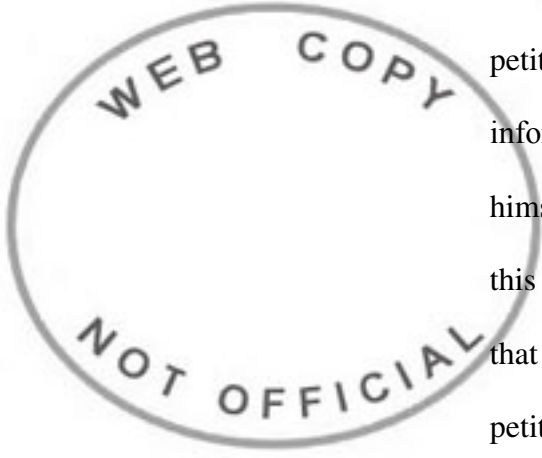
It is alleged that the informant settled the marriage of his daughter with petitioner no.1 and gave Rs 1, 50,000/- but subsequently, petitioners and other accused demanded one Alto car in dowry and when the aforesaid demand was not fulfilled,

they refused to fulfil their promise of marriage.

The contention on behalf of the petitioners is that petitioner no.1 is still ready to perform his marriage with the informant's daughter but due to some reason, informant himself, retreated back from the aforesaid marriage and lodged this false case with exaggerated story. It is further submitted that even if the prosecution story assumed to be true, then also, petitioner no.4 is ready to return the amount of Rs 1, 50,000/- to the informant. It is also pointed out that co-accused Rita Devi and Sudhir Thakur have already been granted privilege of bail by a coordinate bench of this court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Dehri at Sasaram in Dehri (Indrapuri) P.S. Case no. 163/2016 subject to condition as laid down under section 438(2) of the Cr.P.C.

However, it is made clear that petitioner no.4, namely, Mahendra Thakur @ Mahendra Sharma shall deposit Rs 1, 50,000/- in the court below within one month from the date of his release and if he fails to do so, the learned court below shall be at liberty to cancel the bail bonds of petitioner



no.4. It is also made clear that if the informant intends to withdraw the aforesaid amount, the learned court below shall hand over the aforesaid amount to the informant after taking proper receipt from him. It is also made clear that this order shall not cause any prejudice to the court below at the time of trial.



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(Hemant Kumar Srivastava,J)

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