

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50292 of 2015

Arising Out of PS.Case No. -310 Year- 2014 Thana -DIGHA District- PATNA

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1. Rupesh Kumar Ghosh
 2. Ritesh Kumar Ghosh (elder brother)
 3. Manish Kumar Ghosh (Younger brother) all sons of Subrat Kumar Ghosh
 4. Subrat Kumar Ghosh @ Subrat Ghosh Son of Late Gaur Gopal Ghosh (Father)
 5. Munchun Ghosh Son of Late Gaur Gopal Ghosh (uncle)
 6. Mithilesh Kumar Ghosh Son of Late Haradhan Ghosh
 7. Shobha Rani Gosh Wife of Subrat Kumar Ghosh (Mother)
 8. Anshu Kumari Wife of Ritesh Kumar Ghosh (Bhabhi) All resident of village - Murgi Chak, Bishahari Sthan, Champanagar, P.S. Nath Nagar, District - Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Manohar Prasad Singh, Advocate
For the Opposite Party : Mr. Ajay Kr. 2, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2016 Heard learned counsel for the petitioners, learned counsel for the Informant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Digha P.S. Case No. 310 of 2014 for the offences instituted under Sections 406, 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per prosecution case that the marriage of the informant was made with the petitioner Rupesh Kumar Ghosh on 02.05.2014 between both the parties at the cost of Rs.1,50,000/-,



thereafter, on 09.05.2014 in presence of relatives Sagai ceremony was made in which so many articles such as watch, clothes, ring, fruits etc. and cash amount of Rs.71,000/- were given to the accused persons. The money was transferred to the A/C of the petitioner Ritesh Kumar Ghosh, elder brother of said Rupesh Kumar Ghosh from the A/C of the informant. The marriage ceremony had to be solemnized on 26.11.2014. In the meantime, on 22.11.2014 the petitioner Rupesh Kumar called him at his house on his mobile then the informant on 23.11.2014 with his relative went to the house of the petitioners where they made demand of more money of Rs.3,20,000/- otherwise marriage will not be performed. In this context all the petitioners being family members themselves hurling abuses started assaulting him with fists and slaps stating that as to why he did not bring the alleged money and also stated that marriage of Rupesh Kumar was being performed another place. Thus, all the petitioners in connivance with each other embezzled huge money of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Petitioners have been made accused due to mistake of fact. It has been admitted by the petitioners that Rs.80,000/- and onward was given to them by the informant and subsequently, the same is said to have been returned

by the petitioners which is apparent from the statement of bank account, Annexure-4 to the present application.

On behalf of the State and the counsel for the Informant, it has been submitted that the petitioners are named in the F.I.R and they have committed a fraud with the informant.

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 Digha P.S. Case No. 310 of 2014/G.R.No.7668 of 2014 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 Patna subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

B.Kr./-

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