

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14493 of 2017

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Baban Seth @ Baban Prasad Seth & Anr

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.

For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-06-2017 Heard learned counsel for the petitioners and learned APP
for the State.

The present application has been filed for modification of the order dated 21.03.2012, passed in Cr. Misc. No. 7985/2012 to the extent that Rs. 40,000/- deposited by the petitioner before the learned court below, be released in his favour, since the petitioner has been discharged in Complaint Case No. 251(C)/2011.

The prosecution case is that the marriage of the daughter of the complainant was negotiated with petitioner no.2 Rinku @ Rakesh Seth @ Rajesh Seth when the complainant handed over Rs. 80,000/- to the petitioners for marriage, but ultimately the marriage could not be solemnized.

The relevant fact is that the petitioners filed Cr. Misc. No. 7985/2012 with a prayer for anticipatory bail in connection with Complaint Case No. 251(c)/2011, pending before the learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas, wherein



process has been directed to be issued after cognizance being taken for the offences punishable under sections 406, 420, 323, 504 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

The petitioners were granted anticipatory bail on the basis of submission that the petitioners are ready to deposit Rs. 40,000/- before the learned Court below which was directed to be invested in some fixed deposit schemes in connection with the present case, which would be subject to the result of the case. The petitioners were directed to be released on bail on deposit of Rs.40,000/- before the learned Court below.

It is submitted by the learned counsel for the petitioners that in pursuance to the order passed in Criminal Miscellaneous No.7985/2012, the petitioners deposited Rs.40,000/- before the learned Court below. Subsequently, on an application preferred by the petitioners with a prayer for discharge in Complaint Case No. 251 (C)/2011, they have been discharged vide order dated 29.04.2016. Hence, the petitioners filed an application before the learned SDJM, Bikramganj, for release of the deposited amount, but the prayer of the petitioners has been refused by the learned Court below vide order dated 08/12/2016 stating therein that there is no specific direction for release of the said amount.

It is submitted by learned counsel appearing on behalf of opposite party no. 2 that this is not in dispute that the petitioners



have been discharged in connection with Complaint Case No. 251(C)/2011 and the case has been disposed of on 29.04.2016.

In view of the aforementioned submission of the counsel for the O.P. no. 2, the learned court below is directed to release the amount deposited by the petitioners along with interest earned there on in favour of the petitioners in connection with Complaint Case No.251(C) of 2011, pending before the learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas, on production/receipt of a copy of this order within a period of four weeks.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J.)

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