

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10288 of 2017

Arising Out of PS.Case No. -261 Year- 2016 Thana -FATEHPUR District- GAYA

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1. Irfan Ansari, S/o Wali Mohammed
2. Wali Mohammed S/o Salamat Mian Both 1 and 2 are Resident of
Village- Chapri, P.S.- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 28-03-2017 Heard learned counsel for the petitioners, and the

learned counsel representing the State.

The petitioners apprehend their arrest in connection
with Fatehpur P.S Case No. 261 of 2016 registered for the
offences punishable under Sections 406, 420, 504, 509/34 of the
Indian Penal Code and Section 4 of Dowry Prohibition Act.

Allegedly, marriage of Hena Praveen, daughter of the
informant was settled with Md. Irfan Ansari, petitioner no. 1 for
consideration of money of Rs. 2,50,000/-. The informant paid Rs.
1,50,000/- on 24.12.2015 in presence of his co-villager Gaffar
Khan, Aftab Ansari and Mahtab Ansari and again on 23.05.2016
he gave Rs. 1,00,000/- but when he went to fix the marriage date,



they started making pretext that they will solemnized the marriage on next month as they are constructing the house. When the matter was tried to be settled through Sarpanch and Mukhiya, neither the accused persons were ready to marry nor they are ready to return the amount and also they started abusing and assaulting the informant. The petitioners further demanded Rs. 3,00,000/- incase, he wants to marry his daughter.

Submission is of false implication and that Md. Gaffar Khan has been examined in pare-7 of the case diary but he has not stated that in his presence amount of Rs. 1,50,000/- was paid and further Md. Aftab and Mahtab have not been examined. All the witnesses have not specifically stated as to when the amount was paid to petitioner no. 2 and on false allegation this case has been lodged and, as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of the order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Gaya in



connection with Fatehpur P.S. Case No. 261 of 2016 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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