

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39314 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -MAHILA THANA District- BEGUSARAI

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Roshan Kumar Son of Sri Krishnandan Prasad, R/o Village- Daniyapur,
P.S.- Teghra, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.

For the Opposite Party/s : Sri Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends arrest in connection with
Mahila (Begusarai) P.S. Case No. 11 of 2017 for the offences
under sections 420/34 of the Indian Penal Code and section 3/ 4 of
the Dowry Prohibition Act.

The informant, in his written report, has alleged that
he had negotiated with this petitioner for marrying of his daughter.
This petitioner was residing separately at another place from his
family and used to talk with his relative, namely, Binod Lal
Barnwal and Kundan Kumar. The said Binod Lal Barnwal,
Kundan Kumar and two others came at the place of informant to
see his daughter and on this occasion the informant spent



Rs.1,00,000/-. Thereafter, this petitioner started demanding Rs.3,00,000/- in cash as dowry and on protest, he refused to marry with the daughter of the informant and thereby committed offence of section 3/4 of the Dowry Prohibition Act.

The learned counsel for the petitioners submits that the petitioner had some affairs with the daughter of Binod Lal Barnwal and subsequently, he has married with his daughter. There was absolutely no negotiation of marriage with the daughter of the informant and the allegation has been made against the petitioner only to harass him.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

On perusal of FIR and annexures on record, I find that the allegation of demand of dowry is vague, as no specific date of performance of Cheka has been mentioned in the FIR. This petitioner has married with the daughter of Binod Lal Barnwal with whom the informant was alleged negotiating for the purposes of marriage.

Considering the nature of allegation, facts and circumstances, as stated above, this application for anticipatory bail is allowed.

Let the petitioners, above named, in the event of



arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Begusarai in connection with Mahila (Begusarai) P.S. Case No. 11 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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