

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2739 of 2017

Arising Out of PS.Case No. -44 Year- 2015 Thana -SANJHAULI District- SASARAM (ROHTAS)

- =====
1. SUBHASH SINGH @ SUBASH SINGH Son of Sri Ram Gati Singh
 2. Rakesh Kumar Son of Subhash Singh Both resident of Village- Norar,
Police Station- Piro,District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mulkraj Choudhary, (name of father not disclosed) Resident of Village
Chaita Bahori, P.S.- Chandauli, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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

ORAL ORDER

5 08-03-2017 Heard the learned counsel for the petitioners, the

learned A.P.P. for the State as also the learned counsel for the

Informant.

In this application for anticipatory bail the petitioners
apprehend their arrest in connection with Sanjhauli P.S. Case No.
44 of 2015 for the offences punishable under section 420 of the
I.P.C and section 3 of the Dowry Prohibition Act.

Allegedly, on 27.06.2014 the petitioners saw Suman
Kumari, the daughter of the informant, and gave Rs. 2100/- in the
hand of Suman Kumari and thereafter the informant also gave Rs.
51000/- in Bidai along with cloths. Thereafter, Chheka was



performed and amount of Rs. 1,00,000/- cash, utensils, sweets and fruits were given and the date of Tilak was settled on 15.05.2015 and the date of marriage was settled on 24.05.2015 and then petitioner no.1 demanded Rs. 3,00,000/- by way of cost of marriage and then on 23.03.2015 the informant withdrew the amount from P.N.B. branch Sanjhauli and paid Rs. 3,00,000/- to the petitioner no.1 in presence of Sanjay Kumar, the Bhagina of petitioner no.1, and then the petitioner no.1 went away with one man on the motorcycle. On 17.04.2015 the petitioner no.1 again demanded Rs. 1,00,000/- through Sanjay Kumar, the mediator, and one motorcycle otherwise not to perform the marriage. In spite of all the best efforts made the petitioners did not agree to perform the marriage. The informant requested to return all the amount and the articles but they did not return the amount and refused to return the amount.

Submission is of false implication and that the informant has not paid any amount, as a matter of fact the informant tried to marry another girl after showing another girl and as such the petitioners refused to settle the marriage and then this false case has been filed. The Bhagina of petitioner no.1, namely, Sanjay Kumar has gone into collusion of the informant and his statement cannot be relied upon, the informant has got bad



antecedent.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that during investigation the I.O. has found that the amount was withdrawn by the informant to pay Rs.3,00,000/- to petitioner no.1, the witnesses and the mediator have also supported the allegation, mediator is none-else but Bhagina of petitioner no.1, and as such the petitioners do not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the allegations attributed against the petitioners which finds support during investigation, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of S.D.J.M. Bikramganj.

(Jitendra Mohan Sharma, J)

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