

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4847 of 2017

Arising Out of PS.Case No. -102 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Bablu Singh son of Mahendra Singh.
 2. Mantu Singh son of Mahendra Singh.
 3. Babita Devi @ Babita Singh wife of Mantu Singh.
 4. Rinki Devi wife of Bablu Singh.
 5. Raju Kumar @ Raju Singh son of Mahendra Singh. All Resident of Village- Sobeya, P.S. Kotwa, District- East Champaran.
 6. Munna Singh
 7. Raja Singh Both son of Late Shambhu Singh, Resident of Village- Imaliya, P.S. Pipra, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate
For the Opposite Party/s : Mr. Sri Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-02-2017 Heard the parties.

This application has been filed in connection with Kotwa P.S. Case No. 102 of 2015 for the offence under Sections 406, 420, 356 and 311/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

It is submitted on behalf of the petitioners that allegation against them is that brother of the petitioner No. 1 was engaged with daughter of the informant and in that connection he has been given money and ornaments to the family of the petitioners and thereafter there is also allegation that the articles have also been



sent to the house of the accused persons but later on they refused to marry the petitioner Raju Kumar with the daughter of the informant/complainant and as such a case under Sections 406 and 409 of the Indian Penal Code has been lodged against the petitioners and father of the petitioners. It has been submitted that petitioner No. 3 is sister of Raju Kumar and other petitioners are relatives to the petitioner No. 5. It has been further submitted that as the marriage has not been fixed as such there was no occasion for the informant to send the articles to the house of the petitioner as such both the prosecution case is false and concocted.

Heard learned A.P.P. also.

Having heard both sides. In view of the fact that allegations levelled in the complaint petition/First Information Report, let the petitioners No. 1 to 4 and 6 to 7, 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.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 10th Motihari in connection with Kotwa P.S. Case No. 102 of 2015 , subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :



(i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(ii) The petitioners will not induce any witness or tamper with the evidence.

(iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police otherwise the prosecution is free to move for cancellation of their bail.

So far as prayer for anticipatory bail of petitioner No. 5 is concerned, let the petitioner No. 5 is directed to surrender before the court below within six weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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