

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46503 of 2017

Arising Out of PS.Case No. -180 Year- 2017 Thana -GOPALGANJ District- GOPALGANJ

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1. Jaswant Singh, S/o Late Shyam Bahadur Singh,
2. Pawan Kumar Singh, S/o Jaswant Singh,
3. Meera Devi, W/o Jaswant Singh, All R/o of vill. Fulwariya (Tola Krishna
Rai Bangruwa), P.S. Bankata, Dist.- Deoria (U.P.)..... Petitioner/s
Versus
1. The State of Bihar. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma
For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 22-09-2017 Heard Sri Ajay Kumar Sharma, the learned counsel
for the petitioner, Sri Buxi S.R.P. Sinha, the learned senior counsel
for the informant and the learned Additional Public Prosecutor.

The petitioners apprehend their arrest in Gopalganj
P.S. case No. 180 of 2017 under Section 420, 406/34 of the Indian
Penal Code.

The informant, father of the bride, alleged that he
went to the house of petitioners for negotiation of marriage of his
daughter with petitioner No.2. Petitioner No. 1 and 3 agreed to
marry their son with the daughter of informant and for that
informant paid Rs. 4,45,000/- in the account of Pawan Kumar,
petitioner No.2, and Meera Devi, petitioner No.3. The informant
also alleged that he paid Rs. 5,55,000/- in the hands of petitioner
No.1 but the negotiation was broken and it transpired that
petitioners misrepresented the fact of employment of petitioner



No.2 in WIPRO. In fact petitioner No.2 is employee in a company at NOIDA.

The learned counsel for the petitioners submits that petitioners are still willing to solemnize marriage of petitioner No.2 with the daughter of informant but the informant himself backed out from the negotiation on the ground that petitioner No.2 is not employed in WIPRO. The petitioners spent a lot of money on the eve of engagement. The petitioners did not receive any cash from the informant. It is further submitted that petitioners are ready to return Rs. 4,45,000/- within 60 days, which they received in their accounts.

On the other hand, the learned senior counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail and submitted that petitioners played fraud by misrepresenting the fact about employment of petitioner No.2 in WIPRO. Petitioner No.2 is simply employed in a company at NOIDA but the informant is ready to compromise the case if the entire amount is returned to him.

It appears from perusal of the records that, of course, the marriage of daughter of informant was settled with petitioner No.2 but on account of some dispute with regard to his employment in WIPRO or any other company the negotiation was



broken. Now the marriage of petitioner No.2 has already been settled, as stated by the learned counsel for the informant, but the petitioners are ready to return the amount received by them in their account within 60 days.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. case No. 180 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioners fail to return Rs. 4,45,000/- through demand draft or any other negotiable instrument within 60 days after their release, the learned court below shall forthwith cancel the bail bonds of the petitioner after lapse of 60 days.

(Prabhat Kumar Jha, J)

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