

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47983 of 2017

Arising Out of PS.Case No. -149 Year- 2017 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

- =====
1. TAJUDDIN KHAN @ MD. TAJUDDIN KHAN, son of Bhola Khan @ Jamsher Khan,
 2. Bhola Khan @ Jamsher Khan, son of late Wahid Khan, Both R/o Village- Kerpa, P.S.- Amjhor, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sagir Khan, son of late Jahur Khan, R/o Village- Adhaura, P.S.- Adhaura, District- Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP
Mr. Viveka Nand Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 17-10-2017

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioners apprehend their arrest in **Complaint Case No.149 of 2017** instituted for the offence under Section(s) 420 Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Allegation against the petitioners is that marriage of daughter of Complainant was fixed with petitioner No.1. Some gifts were given and ring ceremony was also performed. Later on, they made demand of rupees one lac as more dowry and aforesaid demand was not fulfilled due to which petitioner no.1



refused to perform marriage with daughter of the Complainant.

Counsel for the petitioners has submitted petitioner no.1 is posted in Army and just to give pressure on the petitioner no.1 to marry with the daughter of the Complainant instant case has been filed.

Counsel for the Opposite Party No.2 has appeared and submitted that these petitioners have cheated after performing *Sagai*. They had declined to perform marriage.

Counsel for the petitioners has further submitted that it is admitted fact that talk of marriage had taken place between the parties but after coming to know that son of the Complainant has been convicted in a criminal case vide Sessions Tr. No.127 of 2014, family of the petitioners did not become ready for such relation and in retaliation present complaint has been filed.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Complaint Case No.149 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, VI, Kaimur at**



Bhabhua, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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