

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16035 of 2018

Arising Out of PS.Case No. -139 Year- 2017 Thana -CHANAN District- LAKHISARAI

- =====
1. Shashi Kumar Mandal @ Shashi Kumar @ Shasi Kabumar S/o Pardip Kumar Mandal,
 2. Sushma Devi, w/o Pradip Kumar Mandal, both are r/o village-Hasanganj English, P.S.- Ramnagar, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

For the informant : Mr. Mritunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 04-04-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the informant.

Petitioners apprehend their arrest in **Chanan P.S.**

Case No.139 of 2017 instituted for the offence under Section(s) 420, 406, 504, 506/34 Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Counsel for the petitioners has submitted that marriage of daughter of the informant was fixed with Gaurav Kuamr. Ring ceremony was also held. The informant deposited rupees two lac each in the account of boy, Gaurav Kumar, and his father Pradep Kuamr Mandal at the time of ring ceremony, but later on marriage could not be performed. Informant has alleged that marriage could not be performed because there was



demand of rupees fifteen lac and also ALTO Car as in the meantime boy got the job of Station Master in Railway.

Counsel for the petitioners has submitted they are brother and mother of the boy. They have not received any money. It is mentioned in the written report itself that money has been deposited in account of Gaurav Kumar and his father Pradip Kumar Mandal.

It has been mentioned in para 12 of the petition that petitioners are ready to return the amount, which has been given by the daughter of the informant in the account of Gaurav Kumar and his father Pradip Kumar Mandal.

In such circumstances, petitioner is directed to surrender before the Court below i.e. **Additional Chief Judicial Magistrate, 1st, Lakhisarai**, in connection with **Chanan P.S. Case No.139 of 2017**, within a period of six weeks from the date of receipt of the order with valid proof showing that rupees four lac has been deposited in the account of the informant and, in that event, petitioners will be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to its own satisfaction 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds 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.

It is made clear that in the event money is not deposited in the account of the informant, then the petitioner will prepare the Demand Draft of the aforesaid amount in the name of the Informant and will deposit the same in the Court below at the time of his surrender. In the event, petitioner deposits the Demand Draft at the time of their surrender, the Court below will issue notice to the Informant and will handover the Demand Draft to him.

JA/-

(Sanjay Priya, J)

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