

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37277 of 2018

Arising Out of PS.Case No. -92 Year- 2017 Thana -MAHILA P.S. District- PATNA

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1. Damodar Prasad, S/o Gokhul Prasad,
2. Surendra Prasad S/o Gokhul Prasad, Both are R/o vill.- Naya Bigha, P.S.-
Athmalgola, Distt.- Patna.
3. Birendra Prasad @ Birendra Kumar S/o Raja Ram Prasad, R/o Vill.-
Gopalbad Bigha, P.S.- Sarmera, Distt.- Nalanda.
4. Pinku Kumar @ Akash S/o Damodar Prasad,
5. Navnit Kumar @ Chintu S/o Damodar Prasad, Both are R/o Vill.- Naya
Bigha, P.S.- Athmalgola, Distt.- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in a case instituted
for the offences under Sections 420, 406/34 of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act.

The dispute is with regard to the matrimonial
arrangement having stated that the marriage was fixed with
Navnit Kumar @ Chintu, and in that connection Rs. 25,000/-
was paid as Sagun and whereafter cash of Rs.3,75,000/- and
golden ring was given to the petitioners. But the marriage was
not solemnized, Navnit has solemnized marriage with another



girl.

From the record it appears that Rs. 1,75,000/- has been paid to the petitioners.

Learned counsel for the petitioners submits that Rs. 75,000/- was paid to the informant and denied the payment of rest amount, but from record it appears that the amount of Rs. 1,75,000/- was transferred to the petitioner's side.

In such view of the matter, petitioners are directed to pay the amount of Rs. 75,000/- in three installments in the gap of fifteen days, first payment will be made on fifteenth day from today and the entire payment is required to be paid rest amount would be paid in same gap. The amount of Rs. 1,00,000/- will be deposited by petitioners in one go in the court below. The court below will invest the said amount at the proper place for earning the maximum rate of interest, which will be released to successful party. This Court is not giving any opinion with regard to the remaining amount that has been claimed by the informant that will be subject to result of the criminal case.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioners, namely, Damodar Prasad, Surendra Prasad, Birendra Prasad @ Birender Kumar, Pinku Kumar @ Akash



and Navnit Kumar @ Chintu, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate – 1st Class, Patna in connection with Barh Mahila P.S. Case No. 92 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. It is made clear that if petitioners would fail to pay any of the installments the privilege granted to the petitioners will be treated to have been cancelled.

(Shivaji Pandey, J)

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