

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19878 of 2018**

Arising Out of PS. Case No.-130 Year-2016 Thana- GAYA COMPLAINT CASE District-  
Gaya

- =====
1. Jitendra Das, Son of Late Nanhu Das,
  2. Ranjeet Kumar Das, Son of Jitendra Das, Both are resident of  
Village- Katkiniya, P.S.- Dumaria, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar Das, Son of Sri Shyam Sundar Das, resident of Village+ P.O.-  
Salaiya, P.S.- Shuhel (Rulaisa), District- Gaya.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                      |
|--------------------------|---|----------------------|
| For the Petitioner/s     | : | Mr. Deepak Kumar     |
| For the Opposite Party/s | : | Mr. Ram Bachan Singh |
| For O.P. No. 2           | : | Mr. Sudama Singh     |

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

5      30-08-2018                      Heard learned counsels for the parties.

At the outset, learned counsel for the petitioners submits that the petitioner no. 1 Jitendra Das was arrested and subsequently granted regular bail by the learned court below, hence he seeks permission to withdraw this application on his behalf.

Accordingly, this application is permitted to be withdrawn so far as it relates to petitioner no. 1 Jitendra Das.

The petitioner no. 2 is apprehending arrest in Complaint Case No. 130 of 2016 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 323 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.



The prosecution case, as per the Complaint Case No. 130 of 2016 filed by Sanjay Kumar Das before the learned A.C.J.M., Sherghati, is to the effect that on 20.02.2016, the complainant fixed the marriage of his sister with Petitioner No. 2, Ranjeet Kumar Das and it was agreed that complainant has to make a payment of Rs. 1,10,000/- as dowry and Rs. 62,000/- for the purchase of a Motorcycle. The said amount was given to the accused persons on 27.02.2016, but on 29.02.2016 when the complainant went to get the date of marriage fixed then a further demand of Rs. 3,00,000/- and a four wheeler vehicle was made. The complainant thereafter transmitted a legal notice on 03.03.2016, but it was not received by the accused persons. On 08.03.2016 the complainant went to lodge a criminal case, but it was not registered, whereafter on 16.03.2016 the present complaint case was filed.

It is submitted by learned counsel for the petitioners that there is no proof with regard to the payment as the entire transaction has been made in cash. It is further submitted that this is not alleged in the complaint petition that the complainant ever talked to petitioner no. 2 and even assuming the accusation, no offence as alleged is made out.

Learned counsel for the complainant submits that the



accusation, prima facie, constitutes an offence of cheating, however, cognizance has not been taken under Section 420 of the IPC. It is further submitted that the marriage was fixed but subsequently due to increase of demand, the marriage could not be finalized. More over, the matter was referred to Mediation on the joint prayer of the parties but the mediation failed due to apathetic attitude of the petitioners.

Considering the rival submissions of the parties and keeping in view the fact that the complaint does not suggest the payment through verifiable instrument or payment to any particular person as also any talk or transaction with petitioner no. 2, let the petitioner no. 2 above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati in connection with Complaint Case No. 130 of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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