

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4362 of 2018

Arising Out of PS.Case No. -771 Year- 2016 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Ranjit Paswan, son of late Raghu Paswan
 2. Rekha Devi, wife of Ranjit Paswan
 3. Mithun Kumar @ Mithun Paswan son of Ranjit Paswan
- All are resident of village-Amdar, P.S.-Sabour, District-Bhagalpur
- Petitioners

Versus

1. The State of Bihar
 2. Nutan Devi wife of Mithun Paswan, daughter of Moki Das, resident of village-Amdar, P.S.-Sabour, District-Bhagalpur. At present resident of village-Pardhari, P.S.-Sabour, District-Bhagalpur
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-01-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 771 of 2016 registered for the offence punishable under Sections 498(A), 323, 504 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

The allegation according to the complainant i.e. the alleged wife of the petitioner No. 3 and the complainant of the present case is that the petitioner No. 3 and his family members are demanding dowry as well as a motor-cycle and on account of non-fulfillment of the said demand of dowry, the accused persons



are not keeping the Opposite Party No. 2 with full honour.

The learned counsel for the petitioners submits that the very factum of the marriage itself is denied by them and no marriage has ever taken place in between the petitioner No. 3 and the Opposite Party No. 2. It is further submitted that when no marriage has been solemnized between the petitioner No. 3 and the Opposite Party No.2, no question arises regarding demand of dowry.

Having regard to the facts and circumstances of the case, more particularly the fact that the petitioner Nos. 1 and 2 are the father-in-law and mother-in-law of the Opposite Party No. 2, I deem it fit and proper to enlarge the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No.771 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

As far as the petitioner No. 3 is concerned, he is said to be the husband of the Opposite Party No. 2 and the Opposite Party



No. 2 is also having a small child, who have been left to fend for themselves.

In such view of the matter, I do not deem it fit and proper to enlarge the petitioner No. 3 on anticipatory bail. Accordingly, the anticipatory bail petition of the petitioner No. 3 is rejected.

(Mohit Kumar Shah, J)

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