

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54716 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Rana Pratap, Son of Hari Narain Mandal, resident of Village- Tarwa,
P.O.- Duldulia, P.S.- Pirpaiti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumar Modi, Son of Late Sidheshwar Modi, Resident of Village-
Lalharua, P.S.- Kasba, District- Purnea at present resident of Village- Tirasi,
P.S.- Gopalpur, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh
For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-01-2018 Heard the learned counsels for the parties.

The petitioner seeks bail in anticipation of his arrest in protest Complaint Case No. 106/2016, arising out of Gopalpur P.S. Case No. 139/2015, dated 03.12.2015, in which cognizance has been taken under Section 406, 420 and 500/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The complainant has alleged that an agreement was entered into between the two families that the petitioner would be married to his daughter on 30.04.2015. However, because the complainant could not pay Rs. 2 lakhs as dowry, the marriage could not be solemnized. The complainant has also alleged that on



the preparation of the marriage, he had spent Rs. 50,000/-.

Learned counsel for the petitioner has submitted that an absolutely false case has been lodged with ulterior motive. In fact, the complainant had earlier lodged a complaint vide Complaint Case No. 7/2015, which was sent under Section 156 of the Cr.P.C. for institution of regular case, whereafter F.I.R. of Gopalpur P.S. Case No. 139/2015 was registered for investigation. In the aforesaid F.I.R., the police after investigation came to the conclusion that the accusation of the petitioner and other accused persons was without any basis and therefore, final form was submitted. Thereafter, a protest petition was filed, which was treated as complaint, in which cognizance has been taken against the petitioner.

It has further been stated by the learned counsel for the petitioner that on 30.04.2015, the petitioner was married to one Guriya Devi of village Jhanjhara in the district of Khagaria and similarly on 02.07.2017, the daughter of the complainant was also married to one Awadh Kishore Anand.

The present complaint has been pursued by the complainant because he wanted to anyhow marry his daughter to the petitioner and had been pressurizing him for solemnization of marriage with him. When this was not agreed to by the family of



the petitioner, this false complaint was lodged.

Regard being had to the aforesaid facts, the petitioner is directed to be released on bail, in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No. 139/2015.

(Ashutosh Kumar, J.)

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