

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41518 of 2018

Arising Out of PS. Case No.-48 Year-2017 Thana- MAHILA PS District- Buxar

-
1. Sahid Rahmani Son of Jamil Ahamad
 2. Jamil Ahamad Son of Late Mohd. Aziz Both are Resident of Village- Chanda, Police Station- Sikrahatta, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 20-09-2018

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Buxar (Mahila) P.S. Case No. 48 of 2017, disclosing offences under Sections 420, 406, 120B and 34 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

In nutshell, the case of the prosecution as narrated in the First Information Report is that marriage of the informant's daughter, after negotiation was fixed with petitioner no. 1. A ring ceremony was also held during which the informant had given to petitioner no. 2, (the father of petitioner no. 1) an amount of Rs. 5 lakh. Subsequently, it is alleged, the petitioners demanded a car as condition for marriage. It is also alleged that the informant asked the petitioners to return the amount which



they had taken which they refused.

Case diary has been called for which is available.

Learned counsel appearing on behalf of the petitioners contends that there is no dispute that the marriage was finalized after negotiation but after ring ceremony was held, the petitioner learnt that the informant's daughter is nearly eight years older than the petitioner no 1. Since this fact was concealed he declined to marry her.

Learned counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail and contends that the police upon completion of investigation have found the allegation to be true and submitted charge-sheet.

Learned Additional Public Prosecutor appearing on behalf of the State has also opposed the prayer for anticipatory bail and has submitted that though there is allegation of payment of five lakh in the FIR by the informant to the petitioners, the witnesses in course of investigation have said that a sum of Rs. 50,000/- was paid by the informant.

Be that as it may, considering the nature of accusation and other circumstances, the petitioners deserve privilege of anticipatory bail, particularly when the investigation is complete and the charge-sheet has been submitted. This application is



allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Buxar in Buxar (Mahila) P.S. Case No. 48 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

arun/Rajan/-

U		T	
---	--	---	--

