

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30214 of 2018

Arising Out of PS.Case No. -106 Year- 2018 Thana -SONEPUR District- SARAN

=====

1. Dina Nath Baitha, Son of Late Bholi Nath Baitha,
2. Kanhaiya Kumar, S/o Dina Nath Baitha, Both resident of Village-
Barbatta, Jatan Nagar, P.S.- Sonepur, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lakshma Rajak, Son of Late Lorik Rajak, Resident of Village –
Phulwariya, Police Station – Balia, District – Begusarai

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-08-2018 The petitioners are apprehending their arrest in connection with Sonepur P.S. Case No. 106 of 2018, registered for offences punishable under Sections 406, 420, 505, 506 of the Indian Penal Code.

Petitioner no. 1 is father of petitioner no. 2 and allegation is that marriage of petitioner no. 2 was fixed with the daughter of the informant and in the engagement ceremony, huge amount was spent but the marriage could not be solemnized and petitioners are not ready to return the money, which was spent in the engagement ceremony.

It has been submitted on behalf of the petitioners that wife of petitioner no. 1 is suffering from cancer and further the



amount has been spent by both the parties in the engagement ceremony and only Rs. 65,000/- was spent by the informant, though he is claiming much more and he is ready to pay back the same.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for bail stating that more than Rs. 3 Lac was spent by the opposite party no. 2 in the ceremony but the petitioners are not ready to pay the same.

Having heard both sides, in view of the above facts, I am not inclined to grant the privilege of anticipatory bail, however, if the petitioners above named, surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order along with a demand draft of Rs. 75,000/- (Rs. Seventy Five Thousand) duly drawn in favour of the informant , the court below after verification of the same will enlarge, the petitioner on provisional bail for a period of two months on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Saran in connection with Sonapur P.S. Case No. 106 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, and during the said



period of two months, the petitioners shall also deposit the bank draft of remaining amount of Rs. 75,000/- (Rs. Seventy Five Thousand) in favour of the informant, otherwise, their bail bonds will be cancelled. It is made clear that once the amount of Rs. 1,50,000/- is paid to the informant, the bail bonds of the petitioners shall be confirmed.

The above amount, which is to be deposited by the petitioners, shall be subject to the outcome of the case.

(Vinod Kumar Sinha, J)

sunil/-

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

