

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17932 of 2019

Arising Out of PS. Case No.-2279 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Ramchandra Rai, Son of Late Nanku Rai @ Nanhku Rai, Resident of Village - Jamuniya, P.S.- Bishambharpur, Distt - Gopalganj.
 2. Meera Devi, Wife of Ramchandra Rai Resident of Village - Jamuniya, P.S.- Bishambharpur, Distt - Gopalganj.
 3. Dhananjai Kumar @ Dhananjai Rai @ Dhananjay Kumar Rai Son of Ramchandra Rai Resident of Village - Jamuniya, P.S.- Bishambharpur, Distt - Gopalganj.
 4. Nilesh Kumar @ Nilesh Kumar Rai @ Nilesh Rai Son of Ramchandra Rai Resident of Village - Jamuniya, P.S.- Bishambharpur, Distt - Gopalganj.
 5. Punam Devi @ Punam Singh Wife of Nilesh Kumar Rai Resident of Village - Jamuniya, P.S.- Bishambharpur, Distt - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tej Prakash Rao Son of Late Bindhyachal Rao Resident of Village - Dewariya Mani Chhapar, P.S.- Rajkola, Distt – Kushinagar (U.P).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mohammad Sufyan, Advocate. Mr. Thakur Brajesh Singh, Advocate.
For the State	:	Mr. Mukeshwar Dayal, APP.
For the Informant	:	Mr. Umesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

7 13-11-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case no. 2279 of 2017, registered under Sections 420 and 406 of the Indian Penal Code and Section 3 of the D.P. Act.



Complainant settled the marriage of his daughter with the son of petitioner no.1 Ramchandra Rai namely Dhananjai Rai and paid Rs.3 lacs on different dates thorough account transfer and cash and Rs.50000/- each on further two occasions, but the petitioners demanded further Rs. 7 lacs and a motorcycle in marriage and on refusal to cough up their demand by the complainant, they performed marriage of Dhananjai Rai with another girl.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. As a matter of fact, petitioners agreed to purchase the land of the complainant in Rs. 5 lacs and given advance of Rs. 2 lacs, but subsequently complainant refused to execute the land in their favour and on demand returned Rs. 2 lacs through account transfer and later on taking benefit of said account transfer, complainant has lodged this false and frivolous case against the petitioners. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. However petitioners are ready to pay Rs. 2 lacs to the complainant in full and final settlement of the claim in three equal installments, first installment of Rs.1,00,000 (Rupees one lac) and rest two installments of Rs.50,000/- each.



Learned Counsel for the opposite party no.2 raised no objection against the aforesaid submission of the petitioners regarding returning of money to the complainant.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on **provisional bail**, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 C.J.M., Gopalganj in connection with Complaint Case No. 2279 of 2017, Trial No. 2411 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with direction that petitioner no.1 shall make payment of Rs. 1,00,000/- (Rupees one lakh) to the complainant by bank draft within 20 days from the date of this order and rest Rs. 1,00,000/- in two equal installments of one month each in the account of the complainant on furnishing Bank account number by him to the petitioner no.1. However learned lower court shall be at liberty to confirm the bail bond of the petitioners on making final payment of the aforesaid amount by them to the complainant and it is made clear that in case of default of payment by the



petitioner no. 1 in view of aforesaid terms, learned lower court shall also be at liberty to cancel the provisional bail of the petitioners.

Accordingly, this petition is disposed of.

(Prakash Chandra Jaiswal, J)

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