

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32379 of 2019

Arising Out of PS. Case No.-162 Year-2017 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. SACHIN KUMAR SINGH Son of Mithilesh Singh Resident of Village - Hirpatti, P.S.- Laukahi, District- Madhubani
 2. Mithilesh Kumar Singh @ Mithilesh Singh Son of Dhanpati Singh Resident of Village - Hirpatti, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Singh Son of Late Kari Singh Resident of Village - Belha, P.S.- Phulparas, District- Madhubani

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13, Advocate Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s	:	Mr.Mohammad Sufyan, APP
For O. P. No. 2	:	Mr. Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-08-2019 Heard learned counsel for the petitioners and complainant as also for the State.

The petitioners in this case are seeking anticipatory bail in connection with C.R. No. 162 of 2017 in which cognizance has been taken for the offence under Section 406 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution version the allegations are that the marriage was arranged between the petitioner no. 1 and daughter of the complainant, however, the petitioner no. 1 later on demanded motorcycle and other materials by way of dowry and because



the complainant could not pay Rs. 2,50,000/- on the date of marriage, the petitioner no. 1 did not solemnize the marriage and drove away from the place of complainant where the Barat had assembled.

It is submitted that the prosecution version is a concocted story. The complaint petition was filed on 30.03.2017 whereas on 08.03.2017 itself the brother of petitioner no. 1 had lodged an FIR disclosing the occurrence which took place when the Barat assembled at the place of the complainant. Annexure '2' to the present application is the copy of the fardbeyan of Pravin Kumar Singh who happened to be the brother of petitioner of petitioner no. 1.

It is submitted that the present FIR is only a counter blast and outburst of the FIR registered by the brother of the petitioner no. 1 on 08.03.2017.

Learned counsel for the complainant and learned APP opposed the prayer of anticipatory bail. According to them, the petitioner n. 1 refused to solemnize marriage when the demand of Rs. 2,50,000/- was not paid on the date when the Barat had assembled for the purpose of marriage.

Considering the facts and circumstances of the case where it appears that the brother of petitioner no. 1 has lodged



FIR (Annexure '2') on 08.03.2017 making allegation that on 05.03.2017 when Barat had assembled, the complainant and his people assaulted the Barat and further that the complaint case has been registered much after lodgement of Annexure '2' by the brother of petitioner no. 1, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Jhanjharpur, Madhubani in connection with C. R. No. 162 of 2017 corresponding to T.R. No. 1994 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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