

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30417 of 2019

Arising Out of PS. Case No.-1736 Year-2016 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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HARI SHANKAR KUMAR Son of Sitaram Paswan @ Vijo Paswan Resident
of Village - Badi, Pokhar, P.S.- Town, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yogendra Prasad Son of Late Ramjatan Prasad Resident of Village - Ashok
Nagar, Pokharia, P.S.- Town, District- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Sinha

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 28-08-2019 This application, for grant of anticipatory bail,

arises out of Complaint Case No. 1736 of 2016, disclosing

offences under Sections 420, 406, 323, 504/34 of the Indian

Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Prosecution case is that marriage of daughter of the

complainant was fixed with the petitioner and the accused

persons including petitioner demanded Rs. 12 lakh as the

petitioner was unemployed and the complainant has given Rs.

9,50,000/- through cheque and Rs. 2,50,000/- in cash, however,

later on the accused persons including petitioner refused to

perform marriage and when asked to return the money, they

issued two cheques of Rs. 4,50,000/- out of which was was



encashed and another was dishonored by the bank on presentation and petitioner is not returning the same.

Submission of learned counsel for the petitioner is that he is ready to return the said amount, if some time is allowed to him..

Heard learned A.P.P. also as well as learend counsel for the complainant. Learned counsel for the complainant has submitted that the petitioner is taking this plea since May 2019, which is evident from the order dated 08.05.2019 and he is not returning the remaining amount of Rs. 4,50,000/- as admitted by him.

Having heard both sides, in such view of the matter, let petitioner surrender on 09.09.2019 along with a bank draft of Rs. 1,50,000/- drawn in the name of complainant and the court below after verifying the same shall release the petitioner on provisional bail for a period of two months to his own satisfaction on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount, with condition that during aforesaid period of two months, the petitioner shall return the remaining amount of Rs. 3,00,000/- by way of equally monthly installments of Rs. 1,50,000/- payable in the second week of each month through bank draft in the name



of complainant and once the total amount of Rs. 4,50,000/- is deposited the court below shall confirm the provisional bail of the petitioner.

It is made clear that if the petitioner fails to deposit any of the installments, provisional bail granted to the petitioner shall stand automatically cancelled.

If the complainant files an application for withdrawal of the aforesaid amount, the court below shall release the same in favour of the complainant.

Once the entire amount is paid, it is expected that parties shall not pursue the matter.

(Vinod Kumar Sinha, J)

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