

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40936 of 2019

Arising Out of PS. Case No.-308 Year-2019 Thana- PHULWARISHARIF District- Patna

Ravi Kumar, S/o Sri Nilkamal Sharma @ Nityanand Sharma @ Nil Kamal
R/v- Jamalpur, P.S.- Athmalgola, Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41079 of 2019

Arising Out of PS. Case No.-308 Year-2019 Thana- PHULWARISHARIF District- Patna

Nil Kamal @ Nilkamal Sharma @ Nityanand Sharma, Son of Late Ram
Balak Singh Resident of Village-Jamalpur, P.S-Athmalgola, Barh, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40936 of 2019)

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Harendra Prasad

(In CRIMINAL MISCELLANEOUS No. 41079 of 2019)

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 27-09-2019 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Phulwarisharif P.S. Case No. 308 of 2019 registered under
Sections 406, 420 and 120B of the Indian Penal Code and



Section 3/4 of the Dowry Prohibition Act. Since both applications are arising out of same Police Case, hence, both have been heard together and are being disposed of by the common order.

The accusation is that Mahesh Shamra, co-villager of informant, Ratnesh Sharma, asked him to settle the marriage of his daughter, Prinka Kumari with Ravi Kumar (petitioner of Criminal Misc. No. 40936 of 2019), son of Nilkamal Sharma (petitioner of Criminal Misc. No. 41079 of 2019) without dowry saying that Ravi Kumar is an Engineer at Banglore. On approached to Nilkamal Sharma @ Nityanand Sharma, marriage of his daughter was settled but thereafter, behaviour of his villager, Mahesh Sharma and Nilkamal Sharma has been changed. In spite of much persuasion, meeting was not arranged to see the boy (Ravi Kumar) and pressure was being given to gave Rs.10,31,000/-. Thereafter, he after arranging the money, cash Rs.6.31,000/- was given to Nilkamal Sharma through his villager, Mahesh Sharma and on instruction, he also transferred one katha land in the name of his daughter, Prinka Kumari but thereafter, his villager Mahesh Sharma and Nilkamal Sharma started to give pressure to pay remaining cash of Rs.4,00,000/- then he showed his inability, on which, he refused to settle the



marriage. While the date of marriage was already fixed with his daughter, Prinka Kumari with Ravi Kumar on 07.03.2019, on which date, the marriage of Ravi Kumar was performed with another place.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that neither informant visited the serving place of petitioner, Ravi Kumar, nor he tried to meet him but in spite of that, informant is said to be settle the marriage of his daughter. In fact, Mahesh Kumar, co-villager of informant asked the petitioner, Nilkamal Sharma for performing the marriage of his son, Ravi Kumar (petitioner of Cr. Misc. No. 40936 of 2019) but later on, marriage was not settled but with ulterior motive the present case has been lodged with false allegation. Moreover, after investigation, the police submitted the final form against Mahesh Sharma and his wife, Shova Devi.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on 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 Sub-Judge-XV-cum-ACJM, Patna, in connection with Phulwarisharif P.S. Case



No. 308 of 2019, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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