

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44534 of 2019

Arising Out of PS. Case No.-119 Year-2018 Thana- MAHILA P.S. District- Patna

1. SANJAY KUMAR Son of Late Kamta Das Resident of Village - Jalgovind, P.S.- Achuara, District - Patna
2. Aradhana Kumari Daughter of Late Kamta Das Resident of Village - Jalgovind, P.S.- Achuara, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-10-2019 Heard both sides.

The petitioners apprehend their arrest in Patna Mahila P.S. case No. 119 of 2018 registered under Section 354(C)/ 354(D), 376, 120B, 420/34 of the IPC and u/s 3/4 of the Dowry Prohibition Act.

The informant alleged in her written petition that Anand Dev, who is Junior Manager in Bokaro Steel Plant, came in her contact as negotiation was going on for the marriage of informant with Anand Dev. Through Facebook Messenger Anand Dev asked the informant to furnish mobile No. and he used to have talk on whats app. The informant and Anand Dev came closer. Anand Dev called the informant to Ranchi for purchasing rings for ring ceremony. The informant went there and stayed in room No. 302 of Hotel Rasho. It is further alleged that Anand Dev established physical relation with the informant on the pretext of marriage. Unfortunately, on 16.02.2018 father



of Anand Dev died but Anand Dev gave assurance to solemnize marriage with the informant but thereafter Sushila Devi, Rajeev Ranjan and Anand Dev demanded dowry of Rs. 35 lakh and five Katha of land. It is further alleged that Anand Dev threatened her that she would be killed after his brother, Sanjay Kumar, petitioner No.1, came out from the jail.

The learned counsel for the petitioner submits that from perusal of entire written petition of the informant no offence under any Section of the IPC is made out against the petitioners. The petitioners are brother and sister of Anand Dev. They never came in contact with the informant/victim nor demanded any dowry. Rajeev Ranjan, elder brother of Anand Dev, and Sushila Devi, mother of Anand Dev, are said to have threatened by naming the petitioner No.1, who was in jail at the relevant time. It is further submitted that petitioner No.1 was in jail in Special Case No. 349 of 2017 in which huge amount was defalcated by the Executive Engineer and the Accountant of PHED. The petitioner was working as Block Motivator and the petitioner was not even named in the FIR and considering the facts aforesaid petitioner No.1 was granted anticipatory bail vide order dated 05.11.2018 passed in Cr. Misc. No. 60204 of 2018.

It appears from perusal of the FIR that, of course, the petitioners are named in the FIR but the informant did not make any sort of allegation against the petitioners. The informant herself disclosed that since negotiation of marriage was going on for the marriage of informant with Anand Dev, Anand Dev came in contact with the informant and he is said to have established physical relation. Later on Anand Dev, Rajeev Ranjan and Sushila Devi are alleged to have demanded money



but the petitioners never threatened the informant nor they had any talk with the informant at any point of time.

Considering the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Priya Shekhar, learned Judicial Magistrate, 1st class, Patna in connection with Patna Mahila P.S. case No. 119 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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