

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43869 of 2018

Arising Out of PS. Case No.-16 Year-2017 Thana- MAHILA P.S. District- Bhagalpur

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1. Lahtan Kumar, Son of Ram Narayan Sah
 2. Ram Narayan Sah, Son of Late Yogi Sah
 3. Shashi Kala Devi, Wife of Ram Narayan Sah, All residents of Village - Usmanpur, P.S.- Kharik, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mrs. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-01-2019 Heard learned counsels for the petitioners, informant and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 506 and 504/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of Sweta Kumari, submitted to the Station House Officer, Naugachia Mahila Police Station, is to the effect that the marriage of the informant was fixed with petitioner no.1, Lathan Kumar. Subsequently, engagement ceremony was performed on 18.12.2016 and cash of Rs. 5 lacs and gold chain was given by the parents of the informant to petitioner no.1. Thereafter further demand of Rs. 15 lacs was made for fixing the date of marriage



and due to non-fulfillment of the same, the petitioner no.1 declined to marry the informant.

It is submitted by learned counsel for the petitioners that though there was a talk of marriage of petitioner no.1 with the informant, but since the parents of petitioner no.1 did not approve the same, hence neither engagement ceremony was performed nor marriage was performed. Moreover, there is no proof with regard to payment of Rs. 5 lacs and gold chain to petitioner no.1. Petitioner nos. 2 and 3 are the parents of petitioner no.1. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that in fact the engagement ceremony was performed and thereafter due to non-fulfillment of further dowry demand, the marriage could not be performed. However, he admits that there is no proof with regard to engagement ceremony or giving of money to petitioner no.1.

Considering the nature of accusation and the fact that there is nothing on record to suggest that any payment was made to petitioner no.1, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having



any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugachia, Bhagalpur in connection with Naugachia Mahila P.S. Case No. 16 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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