

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49059 of 2019

Arising Out of PS. Case No.-266 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. RAMDEEP VISHWAKARMA Son of Late Maheshwar Vishwakarma Resident of Village- Bharaundha, P.S.- Risiup, District- Aurangabad (Bihar).
 2. Jogendra Vishwakarma @ Jogender Vishwakarma Son of Ramdeep Vishwakarma Resident of Village- Bharaundha, P.S.- Risiup, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shyamraj Vishwakarma Son of Late Narayan Vishwakarma Resident of Village- Amba, P.S.- Nararilkala Khurd, District- Aurangabad (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari
For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 16-11-2019 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 323, 386, 420 of the Indian Penal Code and Section 3& 4 of Dowry Prohibition Act.

Complainant filed a complaint in the court of Sub Divisional Judicial Magistrate-Aurangabad giving rise to Complaint Case No. 266 of 2018 in which it was alleged that complainant's daughter Anju Kumari's marriage was finalized in the year 2016 and informant also gave Rs. 80,000/- to petitioner



no. 1 for arrangement of marriage and the date of marriage was also finalized as 13.07.2016, and complainant made all preparation for the marriage, however, on the date of marriage *Barat* did not arrive, and upon enquiry he was told that they were not ready to solemnize the marriage in the year 2016 and marriage will be solemnized in the year 2017. Complainant asked them to refund Rs. 1 Lac which was given to them for the purpose of marriage but they refused to refund the amount.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. It is true that the marriage with the daughter of Informant was finalized and it was to be solemnized in the year 2016 but due to some mis-happening, marriage was postponed for next year however, they did not agree and informant got her daughter married at a different place. Petitioners have got no criminal antecedent. Notices were issued to the informant but in spite of valid service of notice they have chosen not to appear in this case.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today upon furnishing



bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Complaint Case No. 266 of 2018**, subject to the conditions laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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