

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55037 of 2019

Arising Out of PS. Case No.-555 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Surekha Devi @ Surekha @ Sulekha Devi, aged about 47 years, Female, W/o Swaroop Lal, R/o 246, Shyam Nagar, Gorkha Bhawan, Near Water Tank, P.S. Dharamshala, District Kangra (Himachal Pradesh).
 2. Swaroop Lal, aged about 55 years, Male, S/o Sri Munsri Ram, R/o 246, Shyam Nagar, Gorkha Bhawan, Near Water Tank, Dharamshala, District Kangra, (Himachal Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shailendra Kumar Singh, aged about 60 years, Male, S/o Late Mahendra Prasad Singh, Advocate, District Bar Association, Bhagalpur, R/o Harinagar, P.O. + P.S.- Akbarngar, Bhagalpur, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-11-2019 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No.555 of 2018, registered under Section 406 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The complainant alleged that the complainant proposed the marriage of his daughter with Arun Kumar, the son of the petitioners. Arun Kumar was posted as Clerk in SBI. The marriage was finalized and *Chheka Rasm* was performed on 25.06.2017. The complainant alleged that ornaments were given to Mr. Swaroop Lal, petitioner no.2, the father of the bridegroom.



Petitioner No.1 is the mother of the bridegroom but later on the accused persons demanded cash of Rs.50 lakhs, flat and Scorpio and negotiation was broken.

Learned counsel for the petitioners submits that the petitioners never demanded any dowry nor received any article from the complainant. There is no chit of paper to show that any amount or ornament was given to the petitioners. The bridegroom has already been granted anticipatory bail by order dated 28.08.2019, passed in Cr. Misc. No. 54052 of 2019.

On the other hand, the learned counsel for the complainant vehemently opposed the prayer for anticipatory bail and submitted that Rs.5,00,000/- was handed over to the father of the bridegroom and due to non-fulfillment of additional demand of dowry, the negotiation was broken.

It appears from the facts that the bridegroom was posted as Clerk in SBI and there is no paper to show that any dowry was given to the petitioners, the parents of the bridegroom. It is submitted that the marriage of the son of the petitioners was never settled with the daughter of the complainant and only negotiation for marriage was going on. Arun Kumar was having love affair with the daughter of the complainant and taking advantage of this fact, the complainant lodged the criminal case to put pressure on the petitioners.



Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail 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 S.D.J.M., Bhagalpur in connection with Complaint Case No.555 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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