

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80278 of 2018

Arising Out of PS. Case No.-225 Year-2018 Thana- SIKARPUR District- West Champaran

Ajit Ojha Son of Rameshwar Ojha Resident of Village- Matiyaria P.s.
Sikarpur, District West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Smt. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Complaint Case NO. 728C of 2018 corresponding to Shikarpur P.S. Case No. 225 of 2018, disclosing offences under Sections 406,420,384,506,504/34 of the Indian Penal Code.

The only allegation against the petitioner is that the accused persons had taken some amount from the informant as consideration for marriage of the informant's daughter with the son of this petitioner. The informant is said to have learnt about the involvement of the petitioner's son in a criminal case and, therefore, he decided that the informant's daughter cannot be married to a person who is an accused. It is alleged that the accused persons have refused to return the money which the



informant had given them as consideration for marriage.

In my view, it is difficult to hold that an offence under Section 406 of the Indian Penal Code is made out on the basis of what has been alleged. This application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bettiah, West Champaran in Complaint Case No. 728C of 2018 corresponding to Shikarpur P.S. Case No. 225 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

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(Chakradhari Sharan Singh, J)

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