

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60864 of 2019

Arising Out of PS. Case No.-680 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. TULSI KUMAR Son of Om Prakash Sah Resident of Village - Roopnagar, ward No. 2, P.S.- Barauni, Distt - Begusarai.
 2. Om Prakash Sah Son of late Basudev Sah Resident of Village - Roopnagar, ward No. 2, P.S.- Barauni, Distt - Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Surendra Kumar Sah Son of late Dasarath Sah Resident of Village - Main Road Begusarai, Mohalla - Mungeriganj, W.No - 33, P.S. Town, Distt - Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-10-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 384, 420 of the Indian Penal Code registered in connection with Complaint Case No. 680c of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation that the petitioners' side received Rs. 5,00,000/- and a golden ring during marriage negotiation between the petitioner no. 1 and the complainant's daughter. But subsequently the petitioner no. 1 married elsewhere and the money along with golden ring were not returned to the complainant. It is submitted that there is no material on record to support the claim of payment of Rs. 5,00,000/- and giving of golden ring by the complainant. It is further submitted that in any event any such claim falls within the realm of civil dispute, remedy for which would lie by way of filing of money suit. It is submitted that a false case has been filed merely because the marriage negotiation with



the complainant's daughter had failed. There is inordinate delay of more than one year in filing the complaint. The petitioners claim clean antecedents.

4. Learned counsel for the complainant appears *suo motu* and has been heard.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners' be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri Md. Afzal Alam, learned J.M. IInd Class, Begusarai in connection with Complaint Case No. 680c of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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