

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.726 of 2020

Arising Out of PS. Case No.-15 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Dasharath Paswan Son of Paltan Paswan Resident of Village-Khirlichia, P.S.-Raxaul, District-East Champaran.
 2. Prabhawati Devi Wife of Paltan Paswan Resident of Village-Khirlichia, P.S.-Raxaul, District-East Champaran.
 3. Prabhu Paswan Son of Mahavir Paswan Resident of Village-Uchidih, P.S.-Palanwa, District-East Champaran.
 4. Dukhi Paswan Son of Prabhu Paswan Resident of Village-Uchidih, P.S.-Palanwa, District-East Champaran.
 5. Meena Devi Son of Prabhu Paswan Resident of Village-Uchidih, P.S.-Palanwa, District-East Champaran.
 6. Kanhaiya Paswan Son of Paltan Paswan Resident of Village-Khirlichia, P.S.-Raxaul, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Babita Devi Wife of Awadesh Paswan Resident of Village-Lumariya Tola, Ward No.03, P.S.-Raxaul, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Waliur Rahman, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in **Complaint**
Case No. C-15 of 2019, registered for the offence punishable
under Section 406, 420 of the Indian Penal Code.

It is alleged that marriage of the daughter of
complainant namely, Prem Sheela was settled with the petitioner



no. 1 Dasharath Paswan in the year 2018 and Chheka ceremony was also performed at the house of complainant, in which the complainant gave one Hero Honda motorcycle worth Rs. 65,000/- and clothes worth RS. 50,000/- as gift and cash of Rs. 30,000/- to the accused persons to expend in the marriage which was scheduled for June, 2018. One week before the fixed time of the marriage, the complainant came to know that petitioner no. 1 was having love affair with another girl and petitioner no. 1 fled away with that girl, the other co-accused informed the complainant that marriage will not be performed. When the complainant demanded back the motorcycle, cash and clothes which were given in gift, the accused persons ousted the complainant from their house.

It is submitted on behalf of petitioner that petitioners have falsely been implicated. No such occurrence took place. There is no chit of paper which shows that the complainant had given cash and motorcycle to the petitioners. In fact, the complainant wants to create pressure upon the petitioners to marry her daughter with petitioner no. 1. Petitioners have got clean antecedent.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court



below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to 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 **Judicial Magistrate Ist Class, Raxaul at Motihari, East Champaran** in connection with **Complaint Case No. C-15 of 2019 corresponding to Sessions Trial No. 1791 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper 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.

(Prabhat Kumar Singh, J)

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