

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3966 of 2020

Arising Out of PS. Case No.-37 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

1. BALWANT KUMAR Son of Braj Bhushan Singh Resident of Village - Quarter No.2517 Hindalco Colony Renukut, P.S.- Pipari, Distt.- Sonbhadra (U.P)
2. Braj Bhushan Singh Son of Late Shiv Deyal Singh Resident of Village - Quarter No.2517 Hindalco Colony Renukut, P.S.- Pipari, Distt.- Sonbhadra (U.P)
3. Lalati Devi W/o Sri Braj Bhushan Singh Resident of Village - Quarter No.2517 Hindalco Colony Renukut, P.S.- Pipari, Distt.- Sonbhadra (U.P)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Narmita Kumari D/o Mahendra Singh Resident of Village - Laxmi Narayan Nagar, P.S.- Mithanpura, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pathak, Advocate
For the Opposite Party/s	:	Mr. Bal Mukund Prasad Sinha, APP
For the O.P. No. 2	:	Ms. Preety Kunwar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 09-08-2021 Heard Mr. Sunil Kumar Pathak, learned Advocate for the petitioner and Ms. Preety Kunwar for the informant. The State is represented by Mr. Bal Mukund Prasad Sinha, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Mahila P.S. Case No. 37 of 2019 dated 05.06.2019 instituted for the offences under Sections 406, 409 and 420 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

The accusation against the petitioners is of



having demanded huge amount of money towards dowry before the marriage could be performed between petitioner no. 1 and opposite party no. 2. Such a demand were put up after the engagement ceremony was solemnized.

Learned counsel for the petitioners has submitted that petitioner no. 1 is the person with whom the marriage of opposite party no. 2 was fixed, whereas petitioners no. 2 and 3 are parents of petitioner no. 1. He has further submitted that the relationship between petitioner no. 1 and opposite party no. 2 developed on social media portal viz. Jeevansathi.com and it was agreed that the opposite party no. 2 shall marry the petitioner no. 1.

However, the counsel for the petitioners has disputed the reason given in the FIR for the failure of the negotiations and has submitted that during the interregnum, the opposite party no. 2 developed contact with another person with whom she is now married.

The amount which had been paid to the petitioners also appears to have been returned, which fact has not been disputed by the learned counsel for the opposite party no. 2.

In any view of the matter, regard being had to the fact that now the informant/opposite party no. 2 is



married to somebody else and that there are two divergent reasons for the break of the relationship between the petitioner no. 1 and opposite party no. 2, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st East Muzaffarpur in connection with Mahila P.S. Case No. 37 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is expected that the petitioners shall not, in any manner, try to harass opposite party no. 2 or demean her on any account. Should they be found doing so, it would be open for opposite party no. 2 to approach the court below for cancellation of their bail.

The application stands allowed.

(Ashutosh Kumar, J)

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