

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6708 of 2020

Arising Out of PS. Case No.-1544 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. BISHUNDEO PASWAN Son of Late Chhotu Paswan Resident of Village - Kawan Jaitipur (Jaitipur), P.S. - Hilsa, District - Nalanda.
 2. Shakuntala Devi Wife of Bishundeo Paswan (wife of Bshundeo Paswan mentioned as accused no. 2 in the complaint.) Resident of Village - Kawan Jaitipur (Jaitipur), P.S. - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Bachchu Prasad Paswan Son of Late Brahmdeo Paswan Resident of Village Alaudia Sarai, P.S. -Manpur, District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar, Adv.
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 05-03-2021 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Informant.

Petitioners apprehend their arrest in a case registered under Sections 341, 323, 420, 120B of the Indian Penal Code and Section ³/₄ of Dowry Prohibition Act.

Complainant has alleged in his complaint petition that marriage of his daughter, namely, Sneha Kumari fixed with the son of petitioners on a demand of total Rs. 8 lacs and other items as gift. He had paid Rs. six lacs and the remaining amount was to be paid at the time of Tilak Ceremony which was



not paid at the time of Tilak Ceremony. On 24.04.2018 Barat was scheduled to come to his house for marriage but it did not come. When the complainant demanded return of Rs. 6 lacs already paid to the petitioners, they threatened to kill him.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case by opposite party no. 2 only in order to save his skin from the case filed by petitioner no. 1 against opposite party no. 2 as contained in Annexure-2. An informatory petition as contained in Annexure-3 has been filed by the son of petitioners against opposite party no. 2 before the S.D.O., Hilsa on 21.04.2018. It has been further submitted that occurrence took place on 24.04.2018 but complaint was lodged on 14.12.2018 after delay of eight months without any explanation.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nalanda at Biharshariff, in connection with Complaint Case No. 1544C of



2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bond.

(3) If petitioners tampers 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.

(S. Kumar, J)

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