

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61844 of 2021

Arising Out of PS. Case No.-328 Year-2021 Thana- SONEPUR District- Saran

Mukesh Kumar Singh, Son of Veerendra Prasad Singh @ Birendra Prasad Singh, Resident of Village - Rai Patti, P.O. and P.s.- Dighawara, Distt.- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ankit Katriar, Advocate
For the Opposite Party : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Sonepur P.S. Case No. 328/2021 for the offence registered under Sections 341, 323, 504, 506 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act. Later on, Sections 406 and 120(B) of the I.P.C. were also added.

The prosecution story, in brief, is that the informant had settled the marriage of his sister with Mukesh Kumar Singh (petitioner). The bride was shown twice and dates for *Tilak* and marriage were fixed as 26.04.2021 and 30.04.2021, respectively.



Rs. 15,00,000/- was given as gift to the father of the petitioner and Rs. 3,00,000/- was expended in showing the bride. One day prior to the date of Tilak i.e., on 25.04.2021, the petitioner and his father Birendra Prasad Singh came at his house and demanded a four-wheeler vehicle before *Tilak* otherwise the marriage would not be solemnized. The father of the informant requested not to cancel the marriage but they did not listen to him and went away. Then the informant and others went at the house of the accused persons who started hurling abuses and quarreling and became ready to assault and all the family members clearly stated that if Rs. 5,00,000/- cost of four wheeler vehicle is not given, the marriage will not be solemnized. On hearing this, the father of the informant went into great depression and due to which, he died on 12.05.2021.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. As per allegation, due to non-fulfilment of demand of dowry, the marriage of the informant's sister could not be solemnized with Mukesh Kumar Singh (petitioner) and due to which, the father of the informant



went into great depression and died. The petitioner would be the husband of the informant's sister. It is further submitted that negotiation with respect of marriage in between the petitioner and the informant's sister could not be succeeded. Hence, for the said reason, the present case has been instituted against the petitioner and his family members.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saran, in connection with Sonapur P.S. Case No. 328 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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