

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15125 of 2022

Arising Out of PS. Case No.-346 Year-2018 Thana- JAKKANPUR District- Patna

1. ASHOK KUMAR CHOUBEY @ ASHOK CHOUBEY Son of Aditya Choubey Resident of House No. -33/12 Ground Floor, Old Rajendra Nagar Near Salwan Public School Police Station - Rajendra Nagar, New Delhi.
2. Jaya Choubey Wife of Ashok Kumar Choubey Resident of House No. -33/12 Ground Floor, Old Rajendra Nagar Near Salwan Public School Police Station - Rajendra Nagar, New Delhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19515 of 2022

Arising Out of PS. Case No.-346 Year-2018 Thana- JAKKANPUR District- Patna

MS POOJA Daughter of Ashok Kumar Chaubey Resident of House No.- 33/12 Ground Floor, Old Rajendra nagar Near Salwan Public School Police Station- Rajendra Nagar, New Delhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15125 of 2022)

For the Petitioner/s : Mr.N.K.Agrawal, Sr. Adv.
Mr.Sachindra Kumar Tiwary, Adv.
Mr.Kumar Rajdeep, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP
For the Informant : Mr.Mrigank Mauli, Sr. Adv.
Mr.Vinay Mistry, Adv.

(In CRIMINAL MISCELLANEOUS No. 19515 of 2022)

For the Petitioner/s : Mr.N.K.Agrawal, Sr. Adv.
Mr.Sachindra Kumar Tiwary, Adv.
Mr.Kumar Rajdeep, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP
For the Informant : Mr.Mrigank Mauli, Sr. Adv.
Mr.Vinay Mistry, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-11-2022 Heard learned senior counsel for the petitioners, learned



senior counsel for the informant and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 420, 406 of the IPC and sections 3/4 of the Dowry Prohibition Act.

Allegedly, the marriage of informant's daughter was fixed with the son of petitioner Ashok Kumar Choubey and accordingly engagement ritual was organized in which gifts were exchanged as per the ritual. On the same date informant's husband gave Rs.6 Lakhs cash to Ashok Choubey. It is further alleged that on 15.06.2018, informant and her husband visited the resident of groom side, where, the petitioner demanded Rs. 10.00 Lakh cash and a Honda City car. Finding the demand inappropriate, the marriage was called off but the petitioner Ashok Kumar Choubey did not return the money and articles.

It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Petitioners have no criminal antecedent. It is



submitted that one of the accused namely Vijaya Malviya was granted bail by a co-ordinate Bench of this Court vide order dated 10.03.2022 passed in Cr. Misc. No.32384 of 2021, considering that a bank draft of Rs.Six Lakh, in favour of informant Bimla Tiwary, was handed over to the counsel for the informant. As such, the money has already been returned to the informant.

Learned APP for the State as well as learned senior counsel for the informant have opposed the prayer for bail. It is submitted that process under section 82 and 83 of Cr.P.C. has already been issued against the informant. Learned senior counsel submits that money expended over engagement ceremony has not yet been returned.

Learned senior counsel for the petitioners offers that petitioner Ashok Kumar Choubey @ Ashok Choubey is ready to pay Rs.75,000/- to the informant by way of bank draft within a period of six weeks from today.

Having regard to the facts and circumstances of the case and considering the offer on behalf of petitioner Ashok Kumar Choubey, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing



bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Jakkanpur P.S. Case No.346 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, learned court below is directed to accept the bail bond of the petitioners after showing the receipt of payment of Rs.75,000/- in favour of the informant by petitioner Ashok Kumar Choubey @ Ashok Choubey.

(Anjani Kumar Sharan, J)

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