

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8905 of 2023

Arising Out of PS. Case No.-411 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. MANORMA DEVI W/o Raj Kumar Sharma @ Jhunnu Sharma @ Jhunnu Singh R/o 150, Ward no. -1, Mohan Sharma Path, Nearby Devi Sthan, Taregana Dih, P.S.- Masaurhi, Distt- Patna, Bihar.
 2. Raj Kumar Sharma @ Jhunnu Sharma @ Jhunnu Singh S/o Late Baleshwar Sharma R/o 150, Ward no. -1, Mohan Sharma Path, Nearby Devi Sthan, Taregana Dih, P.S.- Masaurhi, Distt- Patna, Bihar.
 3. Gaurav Kumar S/o Rajkumar Sharma @ Jhunnu Sharma @ Jhunnu Singh R/o 150, Ward no. -1, Mohan Sharma Path, Nearby Devi Sthan, Taregana Dih, P.S.- Masaurhi, Distt- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bharat Sharma S/o Late Shankar Sharma R/o Village- Algana, Police Station- Kako, Distt- Jehanabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arya Achint, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 28-07-2023 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the complainant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 419 and 420 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are person with clean antecedent.
4. The complainant alleges that his daughter's marriage was fixed with petitioner no. 3 and in presence of his



brother-in-law, who is no more, he gave gift of Rs.2,55,000/- to petitioner no. 2 and for fixing the date of marriage he went to the house of the petitioners but they resiled from the marriage.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that the marriage is destined in heaven and thus it cannot be forced on earth. It is next submitted that though it is alleged that an amount of Rs.2,55,000/- was given to the petitioner no. 2 by the complainant but then the allegation of giving Rs.2,55,000/- is ornamental in nature in order to give a serious colour to the case.

6. Learned counsel for the complainant opposes the prayer for anticipatory bail of the petitioners and on query of the Court submits that Rs.2,55,000/- was given by way of gift and not by way of dowry.

7. Learned counsel for the petitioners disputes the said submission and submits that no amount was received by the petitioner no. 2 and if what has been alleged is true then the complainant has remedy available in law for getting his money back but definitely he cannot coerce the petitioners into the submission by instituting an FIR.

8. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees 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 Complaint Case No. 411(C) of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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