

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34413 of 2023

Arising Out of PS. Case No.-1890 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Laxman Singh @ Ajay Kumar Singh Son Of Late Suraj Singh R/O Village- Mariyari Kouria, Kajraha, P.S.- Madhuban, District- East Champaran
 2. Chandan Singh Son Of Laxman Singh @ Ajay Kumar Singh R/O Village- Mariyari Kouria, Kajraha, P.S.- Madhuban, District- East Champaran
 3. Neetu Devi @ Neetu Kumari Wife Of Dhiraj Kumar R/O Village- Mariyari Kouria, Kajraha, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Satyendra Narayan Singh Son Of Late Rambilash Singh R/O Village- Bakhari, P.S.- Patahi, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Trial No. 2642 of 2023 arising out of Complaint Case No. C-1890 of 2022 registered for the offence punishable under Sections 406 and 34 of the Indian Penal Code, Section 4 of the Dowry Prohibition Act and Section 138 of the Negotiable Instrument Act.

3. It is alleged that the informant's daughter's marriage was being negotiated with the son of petitioner No. 1.



The allegation is that an amount of Rs. 5,00,000/- (five lakh) was given to the petitioner No. 1 for meeting the expenses of marriage, which has not been returned.

4. Learned counsel for the petitioners places reliance on *Panchnama* (Annexure-2) which is dated 30.06.2022, wherein the complainant has accepted the fact that the entire amount, which had been paid to the petitioner no. 1, has been received by him. Learned counsel draws attention of the Court towards the fact that one month thereafter the complaint has been lodged on extraneous considerations. The petitioners are family members. Petitioner No. 2 is son of petitioner No. 1 and petitioner No. 3 is daughter-in-law of petitioner no. 1. They are apprehending their arrest in the above circumstances and have clean antecedent.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations levelled in the complaint petition, photocopy of the *Panchnama* and clean antecedent, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below



within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar Motihari, District- East Champaran in connection with Trial No. 2642 of 2023 arising out of Complaint Case No. C-1890 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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