

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33756 of 2023

Arising Out of PS. Case No.-488 Year-2022 Thana- SUGAULI District- East Champaran

1. Chandan Jha @ Chandan Kumar Jha S/O Kanhaiya Jha R/O Village- Koraiya, P.S- Sugauli, Distt.- East Champaran.
2. Nandan Kumar Jha S/O Kanhaiya Jha R/O Village- Koraiya, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the office,
be removed within a period of four weeks from today.

03. In the present case, the petitioners are apprehending
their arrest in connection with Sugauli P.S. Case No. 488 of 2022
registered on 12.11.2022 for the alleged offence under Sections
420, 406, 500/34 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

04. As per prosecution case, marriage of the daughter of
the informant was fixed with petitioner no.2, an Army man.
However, the marriage was not solemnized as the date of the
marriage could not be fixed on the ground that the petitioner no. 2



was not able to get leave. Thereafter, the petitioners started demanding a four wheeler in dowry and when the same was not give, the petitioners refused to solemnize the marriage.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. It also appears from the FIR that the marriage was being negotiated by co-accused Kanhaiya Jha and there is no specific allegation against the petitioners. There is no allegation that they demanded anything or any amount was paid to the petitioners and it further appears that the informants claimed to have incurred an expenditure of Rs. 10,00,000/- towards arrangement of marriage but no marriage was solemnized, so no case under the provisions of Dowry Prohibition Act is made out against the petitioners. Learned counsel further submits that while negotiation was going on, the petitioners' side received unfavorable information about the informant's side and the petitioners' side refused to solemnize marriage with the informant's daughter. For this reason, the present case has been lodged. Learned counsel further submits that the petitioner no. 2, who is an Army man, has already solemnized marriage with one Juhi Jha on 13.12.2022 and the same was registered on 16.12.2022. Learned counsel further submits that no money was tendered by the informant for the purpose of marriage and his claim in this regard are all false. Learned counsel further



submits that the present case has been lodged under grudge and with *mala fide* intention.

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the possibility of false implication, let the petitioners, above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Sugauli P.S. Case No. 488 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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