

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39151 of 2023

Arising Out of PS. Case No.-1039 Year-2022 Thana- SASARAM NAGAR District- Rohtas

1. BANSN NARAYAN SINGH SON OF LATE RAM SUKUL SINGH
RESIDENT OF RAMPUR, P.S. - KOCHAS, DISTRICT - ROHTAS AT
SASARAM
2. SHEO KUMARI @ SHEO KUMARI DEVI WIFE OF BANSN NARAYAN
SINGH RESIDENT OF RAMPUR, P.S. - KOCHAS, DISTRICT - ROHTAS
AT SASARAM
3. AMRENDRA KUMAR SINGH @ AMRENDRA KUMAR SON OF
BANSN NARAYAN SINGH RESIDENT OF RAMPUR, P.S. - KOCHAS,
DISTRICT - ROHTAS AT SASARAM
4. PUNIT KUMAR SON OF BANSN NARAYAN SINGH RESIDENT OF
RAMPUR, P.S. - KOCHAS, DISTRICT - ROHTAS AT SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kislay, Adv.
For the Opposite Party/s : Mr.Nagendra Prasad, APP.
Mr. Rajani Kant Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-12-2023 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 384, 406, 420, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the marriage of informant's sister was fixed with petitioner no.4. All the accused persons demanded Rs. 13 lacs for the expense of marriage and the family members of the informant were also agreed for the same. The ring ceremony was performed at Shiv Gopal Mahal.



They also assured the informant's side regarding the marriage date, but later on, they refused for the marriage.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that after interaction between the parties, the engagement ceremony was organized on 23.07.2022 and both parties gave ornaments, garments and other articles as gifts. The petitioner's side has also expended more than 2 lacs on ornaments and other articles. There is no any documentary evidence in support of the allegation as alleged in the FIR. Petitioners have become victims of false implication due to non solemnization of marriage and as a result of which they have been falsely implicated in the present case. It is further submitted that from para 5 of the supplementary affidavit, it is evident that the petitioners are ready and willing to pay Rs. 6 lacs to the informant but undertake to make all payment in installments within two years and on such undertaking, they are ready to make payment of Rs. 50,000/- as first installment and



thereafter, the rest amount will be paid in 8 installments (after three months of gap). Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. At first, learned APP for the State as well as learned counsel for the opposite party no.2 opposed the prayer for bail, but later on, got agreed with the condition regarding payment.

6. Considering the present stand of the parties, let the above named petitioner, be released on provisional anticipatory bail for two years, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram in connection with Sasaram Nagar P.S. Case No. 1039 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As per the undertaking given by the petitioners as stated in para 5 of the supplementary affidavit, the petitioners are directed to pay Rs. 50,000.00/- (Rupees Fifty Thousand) to opposite party no.2 at the time of furnishing their provisional bail bonds.

8. After full and final payment of Rs. 6,00,000.00/- (Rupees Six lacs) as per the undertaking given by the



petitioners, the provisional bail of the petitioners will be confirmed by the learned Court below.

9. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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