

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46516 of 2022

Arising Out of PS. Case No.-542 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Satyendra Singh @ Satyendra Kumar Singh, Son of Late sonu Singh @ Late Sonelal Singh Resident of village- Jagadishpur Kakadhiya, PS- Dighawara Dist- Saran, presently working as A.S.I at PS- Golmudi, Dist- Jamashedpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bharat Singh Son of Late Janak Singh Resident of Chhaparabihari Tola Bhusaulawa, P.S- Pakaridayal, Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Giridhar Gopal Tiwary, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-01-2023 Heard learned Senior Counsel for the petitioner and

the learned APP for the State.

The petitioner apprehends his arrest in connection with Trial No.2354 of 2021 arising out of Complainant Case No.542 of 2020 instituted under Sections 406,402,506,34 of the Indian Penal Code.

As per the FIR, the marriage of the petitioner's son was solemnized with one Pooja Kumari and accordingly, on the instruction of this petitioner, while through different transactions total Rs.9,000,00/- was transferred to the bank account of his son, Sushant Kumar, another six lac was given in cash to the petitioner herein and Rs.3,000,00/- was used for the engagement ceremony that was held at Surya Hotel in Motihari.



Once the engagement ceremony was completed the petitioner made another demand for gifting one Fortuner Car and as the informant's side was unable to provide the same, the petitioner as per the FIR, an Assistant Sub-Inspector of Police posted in Jharkhand threatened them of dire consequences. Failed with no remedy, the present FIR was lodged.

Learned Senior Counsel submits that so far as the amount (Rs.9,00,000/-) that was transferred to the account of his son, the same has been returned. Regarding payment of Rs.6,00,000/- and expenses of Rs.3,00,000/- as alleged in the FIR, there is nothing on record to substantiate the same and in that background Section 406 or 420 of the Indian Penal Code are not made out. It has further been submitted that cognizance under Dowry Prohibition Act has not been done against the petitioner.

Learned counsel for the informant on the other hand submits that the petitioner being an official with the State Government of Jharkhand demanded the money in cash which was provided to him (Rs.6,00,00/-) while engagement ceremony which was later called off, he had to spend Rs.3,00,00/- and as such when the petitioner's side retracted from the marriage, they were liable to return the aforesaid amount. He further submits that as there has been breach the



trust, contrary to the submission put forward by the learned Senior Counsel, definitely Section 406 of the IPC is made out. He thus opposes the bail.

Learned APP representing the State has also supported the submission put forward by the learned counsel for the informant.

Taking into account the allegation that has been levelled against the petitioner amongst other of accepting Rs.6,00,000/- in cash as dowry amount despite being the government servant, later calling off marriage of his son and thereafter threatening the informant, as alleged, this Court is not inclined to grant him any relief and the anticipatory bail is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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