

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53816 of 2021

Arising Out of PS. Case No.-953 Year-2019 Thana- DANAPUR District- Patna

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1. Ram Briksh Sao @ Ram Brish Prasad Gupta, Son of Late Ragho Gupta, Resident of 503/ B.D.S Colony, P.S And District- Samastipur.
 2. Shashi Kumar Gupta @ Shashi Kumar Son of Ram Briksh Sao @ Ram Briksh Prasad Gupta Resident of 503/ B.D.S Colony, P.S And District- Samastipur.
 3. Sandeep Kumar Son of Ram Briksh Sao @ Ram Briksh Prasad Gupta Resident of 503/ B.D.S Colony, P.S And District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjiv Kumar, Son of Jamuna Prasad, Resident of Village Saguna, P.O. Danapur, P.S. Danapur, District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Akshansh Ankit, Advocate
For the State	:	Mr. Atul Chandra, APP
For O.P. No.2	:	Mr. Ranjeet Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 25-04-2023 Heard learned counsel for the petitioners, learned APP

for the State as well as learned counsel appearing on behalf of O.P.

No.2.

Petitioners apprehend their arrest in connection with
Danapur P.S. Case No.953 of 2019, registered for the offences
punishable under Sections 406, 420, 120(B), 323, 504, 506 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, in brief, is that marriage of
informant's sister was settled with petitioner no.2, Shashi Kumar
Gupta at Samastipur. It is further alleged that after going through



several talk, ring ceremony was solemnized at Danapur and informant gave Rs.10,00,000/- (rupees ten lakhs) cash to the father of petitioner, Shashi Kumar Gupta and Rs.2,00,000/- (rupees two lakhs) were spent on the occasion of ring ceremony. But, lastly, the marriage was turned down by the petitioners blaming that the girl is disable and they also did not return the aforesaid amount.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petition. Petitioner No.1 is father of the groom, petitioner no.2 is the groom and petitioner no.3 is brother of the groom. It is further submitted that the marriage did not finally take place and the petitioners returned the ring and Rs.51,000/- spent on ring ceremony. It is also submitted that the petitioners undertake to return Rs.75,000/- to the informant.

Learned APP for the State and learned counsel appearing on behalf of O.P. No.2 opposed the prayer for grant of anticipatory bail to the petitioners by submitting that the petitioners neither returned the ring nor paid Rs.51,000/- to the informant. Learned counsel for O.P. No.2 further submits that the informant spent more than Rs.1,00,000/- on the occasion of ring ceremony. Learned counsel for O.P. No.2 has annexed the statement of account, bill of ring and receipt of decorators and



caterers as Annexure-B series to the counter affidavit.

Considering the fact that petitioners are ready to return Rs.75,000/- to the informant/complainant, let 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 enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur in connection with Danapur P.S. Case No.953 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that Rs.75,000/- shall be paid by the petitioners to the informant/complainant before furnishing the bail bonds.

The learned court below is directed to accept the bail bonds of the petitioners after verifying the fact that the petitioners have already paid Rs.75,000/- to the informant/complainant.

(Anjani Kumar Sharan, J)

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