

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47229 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Kishore Thakur, Son of Late Nirshan Thakur, Resident of Village- Ghoraghat, P.S.-Forbesganj, District- Araria, Bihar.
 2. Abhimanyun Kumar @ Babloo, Son of Arjun Sharma, R/o village- Kuparia, P.S.-Triveniganj, District- Supaul, Bihar

... .. Petitioners

Versus

1. The State of Bihar
2. Jagannath Thakur, Son of Late Gopal Thakur, R/o village- Gwalpara, Ward no. 05, P.S.- Gwalpara, District- Madhepura, Bihar

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Harsh Vardhan, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the O.P. No. 2	:	Mr. Ranjit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Complaint Case No. 214 of 2022 in which cognizance has been taken under Sections 420, 406, 120B, 34 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, on 24.04.2022 the marriage of complainant's daughter was fixed with the son of petitioner no. 1 and Rs.11,00,000/- was agreed to be given as gift. On 13.06.2022, ring ceremony of the son of petitioner no. 1

was performed and Rs.10,50,000/- was given to him. On 02.07.2022, Rs.50,000/- was transferred to the account of petitioner no. 2. On 14.08.2022, the petitioners demanded that since the groom has got promoted so the complainant should give Rs.22,00,000/- as gift.

4. Learned counsel for the petitioners submits that in fact there was a proposal for marriage between the son of the petitioner no.1 and the daughter of the opposite party no. 2, ring ceremony had also taken place but thereafter when both the parties interacted with each other, the daughter of the opposite party no. 2 refused to marry the son of petitioner no. 1. It is submitted that in the process for purpose of some marriage expenses in course of the rituals, a sum of Rs.50,000/- was transferred in the account of petitioner no. 2.

5. It is submitted that for some unfortunate reasons, the marriage could not be performed but without prejudice the petitioners are ready to not only refund Rs.50,000/- but also pay an additional sum of Rs.1,00,000/- which may be the amount spent by opposite party no. 2 in the rituals.

6. Learned counsel for the opposite party no. 2 submits that in fact the marriage was initiated, the son of the petitioner no. 1 got promoted to a better post in his job

whereafter a demand of dowry was made. It is further submitted that some amount were transferred in the account of petitioner no. 2 for purpose of meeting the expenses.

7. In course of hearing, in view of the offer made by learned counsel for the petitioners to pay a sum of Rs.1,50,000/- without prejudice to the opposite party no. 2, learned counsel for the opposite party no. 2 has taken instruction and informed this Court that the opposite party no. 2 shall accept the amount. Learned counsel submits that in such circumstance, an appropriate view may be taken by this Court.

8. Having regard to the kind of dispute between the parties and the offer of Rs.1,50,000/- (without prejudice) which has been made on behalf of the petitioners and the same has been accepted by opposite party no. 2, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named shall be released on bail in connection with Complaint Case No. 214 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. And further condition that in terms of their offer to pay Rs.1,50,000/- (without prejudice) to opposite party no. 2, the petitioners shall produce a bank draft in the name of opposite party no. 2 drawn on a nationalized/scheduled bank in favour of opposite party no. 2 at the time of submission of bail bonds and the same will be made available to opposite party no. 2. After being satisfied with the compliance with this condition, the learned court below shall accept the bail bonds.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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