

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54469 of 2022

Arising Out of Case No.-1882 Year-2019 COMPLAINT CASE District- Banka

RAJEEV KUMAR Son of Sitaram Yadav Resident of Village - Paniyarachak,
P.O.- Patam, P.s.- Naya Ram Nagar, Distt.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kamalkant Yadav Son of Late Bhuneshwar Prasad Yadav Resident of Village - Gorgama, P.s.- Amarpur, Distt.- Banka.
3. Monika Kumari D/o Late Vijay Rai Resident of Village - Gorgama, P.s.- Amarpur, Distt.- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

10 11-07-2023

Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 379, 406, 420 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, the complainant fixed marriage of his niece with this petitioner and pursuant to negotiation he gave Rs. 7,20,000/- to this petitioner for marriage. It is further alleged that this petitioner neither performed marriage with niece of complainant nor returned the money and when the complainant demanded money this petitioner and other accused persons abused the complainant and committed Mar-pit with him.

Learned counsel appearing for the petitioner submits



that petitioner is innocent and has falsely been implicated in the case. It is further submitted that it is true that marriage of this petitioner was fixed with niece of complainant but in the ring ceremony petitioner has gifted gold ornaments worth Rs. 2,70,000/- along with other articles worth Rs. 3,45,000/- to the niece of complainant. It is next submitted that on the alleged date of marriage the complainant married his niece to another person and so the petitioner has not committed any breach of trust and no case u/s 406 of the IPC is made out against him. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st class, Banka in connection with Complaint case No.1882/2019, subject to conditions laid down u/s 438(2) of the Cr. P. C.

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(Prabhat Kumar Singh, J)

