

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61246 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Sandip Paswan @ Sandeep Kumar S/O Late Ram Waroop Paswan @ Late
Ramrup Paswan R/O Village- Karah Bijap Par, P.S- Silao, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravindra Paswan S/O Late Chandeshwar Paswan R/O Village And Post-
Pachlova, P.S- Islampur, Distt.- Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gautam Shah, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 06-12-2023 Heard Mr. Gautam Shah, learned counsel appearing

on behalf of the petitioner and Mr. Shyam Bihari Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 49C of 2022 wherein cognizance has
been taken for the offences punishable under Section 323 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

3. It is alleged that at the time of settlement of
marriage, the complainant had given Rupees Five Lakhs to the
elder brother of the petitioner. Thereafter ring ceremony was
held on 14.07.2019 and when the complainant asked to fix the



date of marriage, he procrastinated to do so and finally the petitioner refused to marry. It is further alleged that despite repeated demand, the petitioner and other accused persons refused to return the amount of Rupees Five Lakhs, which resulted into institution of the present complaint.

4. It is submitted on behalf of the petitioner that from the averments made in the complaint, it is evident that the agreement of marriage was made in the year 2019 itself wherein the ring ceremony was also held on 14.07.2019, however, the present complaint case has been instituted on 03.02.2022. He next submits that even as per the complaint or the S.A. of the complainant it appears that the money was given in cash to the elder brother of the petitioner, thus there is no cogent material to show that he has transferred any money to the petitioner. Moreover, this case is nothing but has been instituted in order to wreak vengeance on account of non-solemnisation of marriage. He next submits that the petitioner is a man of fair antecedent and on account of institution of the complaint, he has already suffered great mental agony and harassment.

5. On the other hand, learned counsel for the State opposes the bail application and submits that despite assurance given by the petitioner to return the amount which was taken at



the time of agreement of the marriage, he refused to do so, apart from refusal to solemnisation of marriage.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the delay in lodging of the complaint, coupled with the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Hilsa, Nalanda in connection with Complaint Case No. 49C of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

