

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74181 of 2023

Arising Out of PS. Case No.-63 Year-2021 Thana- MAHILA P.S. District- Sheikhpura

1. NARESH RAM TURI @ NARESH TURI SON OF LATE SUDHIR RAM RESIDENT OF MOHALLA - KAJIYANA, WARD NO.10, P.S. - ISLAMPUR, DISTRICT - NALANDA
2. NIKKY KUMAR @ ABHISHEK KUMAR SON OF NARESH RAM TURI RESIDENT OF MOHALLA - KAJIYANA, WARD NO.10, P.S. - ISLAMPUR, DISTRICT - NALANDA
3. RITA DEVI WIFE OF NARESH RAM TURI RESIDENT OF MOHALLA - KAJIYANA, WARD NO.10, P.S. - ISLAMPUR, DISTRICT - NALANDA
4. NITISH KUMAR @ NITISH TURI SON OF PREMAN TURI RESIDENT OF MOHALLA - KAJIYANA, WARD NO.10, P.S. - ISLAMPUR, DISTRICT - NALANDA
5. BEAUTY KUMARI WIFE OF NITISH KUMAR RESIDENT OF MOHALLA - KAJIYANA, WARD NO.10, P.S. - ISLAMPUR, DISTRICT - NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PUJA KUMARI D/O. SHAMBHU TURI RESIDENT OF - FAIJABAD, P.S. - BARBIGHA, DISTRICT - SHEIKHPURA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satya Veer
For the State	:	Mr.Parmanand Kumar
For the informant	:	Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-11-2023 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of S.K.P. Mahila Police Station Case No. 63 of 2021, dated 03.12.2021, disclosing offences punishable under



Sections 341/323/504/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. The prosecution case, as per the First Information Report lodged by the informant Puja Kumari, is that her marriage was fixed with co-accused Vikky Kumar and engagement ceremony was held on 03.07.2020, at Vaishnavi Hotel, Barbigha. On 22.03.2021, the father of the informant went to the house of the petitioners, where all the accused persons started demanding Rs. 2.5 lakhs in addition to earlier settled amount between them. When the father of the informant showed his inability, all the accused persons abused and threatened that now, the marriage would be solemnized after having Rs. Five lakhs. On 29.11.2021, the informant came to know about the marriage of the co-accused Vikky Kumar with one Sapna Kumari, through the marriage invitation card of co-accused Vikky Kumar.
4. Learned Counsel for the petitioners submits that the petitioners are the family members of co-accused Vikky Kumar, whose marriage was fixed with the informant and engagement ceremony was held on 03.07.2020. The marriage was to be solemnized somewhere in the year



2021. However, the side of the petitioners came to know about the age of the informant through her matriculation certificate, in which the date of birth of the informant was mentioned as 24.05.2005. On the basis of her date of birth mentioned in the matriculation certificate, the informant was minor at the time of engagement ceremony and due to the minority of the informant, the accused persons refused to solemnize marriage with her. He next submits that the present First Information Report has been lodged in order to pressurize the petitioners and other co-accused persons.

5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioners and submits that it is not due to the fact that the informant was minor, the marriage has been cancelled, but, at the time of engagement, a sum of Rs. Five lakhs was given by the informant's father to the petitioners in cash, as agreed amount of dowry between them. However, the accused persons started demanding more money from her and due to non-payment of the same, the marriage has been cancelled by the petitioners and the marriage of the co-accused Vikky Kumar, has



been solemnized with another girl.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the matriculation certificate of the informant (Annexure 2), which shows her date of birth as 24.05.2005 and on the date of engagement ceremony, the informant was minor, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sheikhpura, in connection with S.K.P. Mahila Police Station Case No. 63 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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