

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69889 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- HARSIDHI District- East Champaran

1. SUMIT SAGAR @ RAJA S/O ASHOK PRASAD Resident of village- Tiwari Tola, Pipra, P.S.- Pipra, District- East Champaran.
2. HARSHIT ANAND @ VICKY S/O ASHOK PRASAD Resident of village- Tiwari Tola, Pipra, P.S.- Pipra, District- East Champaran.
3. ANJANA DEVI W/O ASHOK PRASAD Resident of village- Tiwari Tola, Pipra, P.S.- Pipra, District- East Champaran.
4. KAUSHAL KUMAR SARAF S/O BRIJ MOHAN PRASAD Resident of village- Sugauli, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No. 245 of 2022, registered for the offences punishable under Sections 323, 504, 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The allegation is regarding the marriage of the petitioner no. 1 and the daughter of the informant having been fixed for 12.06.2022, however on account of non-fulfillment of the fresh demand for 100 grams gold chain and a Swift Dzire car by the accused persons, the marriage could not take place inasmuch as the petitioners had refused to



solemnize marriage of the petitioner no. 1 with the daughter of the informant till the said demand for dowry, was fulfilled. It is also alleged that gold jewellery and cash sum of Rs. Three lakhs as also account transfer of a sum of Rs. 2,000,00/- had already exchanged hands, consequently dowry aggregating to a sum of Rs. 12 lakhs had already been handed over to the petitioners, prior to the marriage having taken place.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that on account of certain serious disputes, the marriage could not take place, however, not only the petitioners are ready to pay back a sum of Rs. 2,00,000/-, alleged to have been given to them by account transfer by the informant, however, in order to show their bona fide, they are also ready to deposit a sum of Rs. 2,00,000/- with the Nazarat of the learned Civil Court, East Champaran at Motihari, subject to final result of the case.



Per contra, the learned A.P.P. for the State as also the learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail and have submitted that a total sum of Rs. 12,000,00/- was spent by the informant, however, the petitioners became greedy and had asked for further dowry and on account of non-fulfillment of the same, the marriage in question was cancelled and could not be solemnized.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners are ready not only to pay a sum of Rs. 2,00,000/- to the informant but are also ready to deposit a sum of Rs. 2,00,000/- in the Nazarat of the learned trial court, in order to show their bonafides, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail subject to the petitioners showing proof of payment of a sum of Rs. 2,00,000/- to the informant and deposit of a sum of Rs. 2,00,000/- with the Nazarat of the learned Civil



Court, East Champaran at Motihari, within a period of six weeks from today.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 245 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure, however, subject to the aforesaid conditions.

It is needless to state that the aforesaid sum of Rs. 2,00,000/- directed to be deposited before the Nazarat of the learned Civil Court, East Champaran at Motihari shall be subject to the final outcome of the case.

(Mohit Kumar Shah, J)

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