

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17106 of 2024**

Arising Out of PS. Case No.-56 Year-2023 Thana- RAMPUR CHAURAM District-
Jehanabad

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1. Dinesh Singh @ Dinesh Yadav S/O Late Rampravesh Yadav R/O Village-
Itwan, P.S- Rampur Chauram, Distt.- Arwal.
 2. Arvind Kumar S/O Dinesh Singh @ Dinesh Yadav R/O Village- Itwan, P.S-
Rampur Chauram, Distt.- Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18710 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- Rampur Chauram District- Arwal

Guddu Kumar S/o Dinesh Singh @ Dinesh Yadav R/o Village - Itwan, P.S. -
Rampur Chauram, District – Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17106 of 2024)

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the State : Mr. Shyam Kumar Singh, APP
For the Complainant : Mr. Santosh Kumar Padney, Advocate

(In CRIMINAL MISCELLANEOUS No. 18710 of 2024)

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the State : Mr. Shyam Kumar Singh, APP
For the Complainant : Mr. Gajendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-04-2024 From the FIR, it appears that these are the case of

District-Arwal whereas in cause title of Criminal Misc. No.

17106 of 2024, name of district mentioned as ‘Jehanabad’,

which is not appears to be correct.



02. Under the circumstances, the office is directed to make necessary correction in cause title of Criminal Misc. No. 17106 of 2024 as per record.

03. Mr. Gajendra Kumar, learned counsel, submits that he has filed *Vakalatnama* online in Criminal Misc. No. 18710 of 2024 on behalf of complainant and also filed a hard copy of the same. The same is taken on record.

04. Since both the applications arise out of Rampur Chauram P.S. Case No. 56 of 2023, as such, they have been taken up together and are being disposed of by this common order.

05. Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the complainant.

06. In the present case, the petitioners are apprehending their arrest in connection with Rampur Chauram P.S. Case No. 56 of 2023, registered on 03.05.2023, for the alleged offence under Sections 120B, 420, 406/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

07. As per prosecution case, the marriage of daughter of the complainant was settled with the petitioner-Guddu Kumar and engagement took place on 04.10.2022 and the date of marriage was fixed for 25.01.2023. Towards preparation of marriage, the



complainant purchased goods for Rs. 10,00,000/-. However, on 18.01.2023, the petitioner Dinesh Singh @ Dinesh Yadav and Arvind Kumar demanded Rs. 15,00,000/- and a bullet motorcycle in dowry as a condition precedent for solemnization of marriage. As the complainant could not meet the demand, the marriage was not solemnized.

08. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The marriage talks of the daughter of complainant with the petitioner-Guddu Kumar failed due to dispute between the parties with respect to date of the marriage, as complainant wanted the marriage to be solemnized in March, 2023 whereas the petitioner-Dinesh Singh wanted the marriage to be solemnized in November, 2023. The petitioner-Dinesh Singh wanted to construct a house as he was having a small house of mud and thatched hut. Learned counsel further submits that the occurrence took place from 02.10.2022 to 18.01.2023, but the complaint has been lodged after delay of 13 days, i.e., on 01.02.2023 without any cogent explanation for the delay. Learned counsel further submits that the complainant gave articles of Rs. 10,00,000/- by way of gift to the petitioners and when the marriage talks failed, the complainant approached to the representative of *Sarpanch* of local *Gram Kachahari* for getting back his money. Thereafter meeting was



convened in presence of local people including representative of *Sarpanch*. Thereafter, calculating all the expenses, it was decided to return back Rs. 12,00,000/- to the complainant and subsequently, Rs. 10,00,000/- was returned on 14.01.2023 and further date was given on 19.01.2023 for payment of rest amount of Rs. 2,00,000/-. The agreement was reduced in writing on a non-judicial stamp of Rs. 1,000/- on 14.01.2023 and the complainant, representative of *Sarpanch* along with petitioner-Arvind Kumar put their signatures on the agreement. While the money of Rs. 10,00,000/- was being handed over to the complainant and his son, photographs were also taken. On 19.01.2023, while the petitioner-Dinesh Singh was ready to pay the rest amount of Rs. 2,00,000/- the complainant denied to receive the same and lodged this false case against the petitioners. The petitioners are ready to abide by their agreement and they are always ready to return the rest amount of Rs. 2,00,000/- to the complainant in terms of their agreement. The petitioners are having clean antecedent.

09. Learned A.P.P. for the State as well as learned counsel for the complainant oppose the prayer for anticipatory bail. Learned counsel for the complainant submits that the claim of the petitioners is not believable as the dates were already fixed between the parties and *Tilak* and *Marriage* ceremony were scheduled on 21.01.2023 and 25.01.2023, respectively. The



petitioner Guddu Kumar was selected as a constable and thereafter the petitioner started demanding Rs. 15,00,000/- and a bullet motorcycle. Learned counsel further submits that the agreement was entered into by the complainant under coercion and the complainant is not ready to accept any payment from the petitioner. Learned counsel further submits that the previous counsel in this case, under some misunderstanding and in absence of instructions, gave a statement to the Court that the complainant was ready to accept Rs. 2,00,000/- from the petitioners towards settlement.

10. Perused the record.

11. On 14.03.2024, following order was passed by the Co-ordinate Bench:-

“Learned counsel for the petitioners has submitted that they are ready to refund Rs. 2,00,000/- to the complainant to which, the learned counsel for the complainant accepts the proposal and is ready to receive the amount.

2. List this case matter on 04.04.2024.

3. In the meantime, no coercive steps shall be taken against the petitioners in connection with Rampur Chauram P.S. Case No. 56 of 2023.”

12. Though, the learned counsel for the complainant submits that the learned counsel, who appeared on that date, gave his statement without getting proper instruction, it is very



unfortunate, if Courts proceeding are treated in such casual manner.

13. However, having regard to the facts and circumstances and submission made on behalf of the parties and considering the purported agreement of the parties and further considering the absence of material to support the allegation against the petitioners, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Arwal in connection with Rampur Chauram P.S. Case No. 56 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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