

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30842 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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Bhaskar Kumar, Son Of Late Janardan Prasad, Resident Of Village- Hajam
Tola, Banu Chhapar, Ward No. 1 PS- Betia Town, Dist- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Harendra Nath Ojha, Advocate
For the Opposite Party/s	:	Mr. Pushpa Sinha, APP
For the Informant	:	Mr. Manoj Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-08-2024 Heard Mr. Dr. Harendra Nath Ojha, learned counsel
appearing on behalf of the petitioner; Mr. Pushpa Sinha, learned
APP appearing on behalf of the State and Mr. Manoj Kumar Jha,
learned counsel appearing on behalf of the Informant.

2. The petitioner apprehends his arrest in connection
with Madhubani Town P.S. Case No. 280 of 2023 registered
under Sections 420, 406/34 of the Indian Penal Code along with
3/4 of the Dowry Prohibition Act.

3. As per the allegation made in the FIR, due to non-
fulfillment of demand of dowry, the petitioner refused to marry
with the daughter of the informant and broke the engagement
with her, as well as, he did not return a sum of Rs. 4 lakhs and
one gold chain, which he has accepted at the time of the
engagement/ring ceremony.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has falsely



been implicated in the present case. Learned counsel further submitted that the petitioner and the daughter of the informant were negotiating to marry with each other, but the same did not materialize and it is alleged that in course of the same, the informant had given a sum of Rs. 4 lakhs and one gold chain to the petitioner as gift. Learned counsel further submitted that the informant herself has admitted that she has gifted Rs.4 lakhs to the petitioner, as per her own desire and the said fact has not been supported by any evidence. Petitioner is a dignified person and a government teacher. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State has opposed the prayer for grant of pre-arrest bail.

6. Mr. Manoj Kumar Jha, learned counsel appearing on behalf of the informant has vehemently opposed the prayer for grant of pre-arrest bail and submitted that in course of negotiation, the petitioner was agreed to marry with the daughter of the informant and the ring ceremony of engagement was performed in presence of the family members of both the sides but due to non-fulfillment of demand of dowry, the petitioner refused to marry with the daughter of the informant and broke the engagement and did not return the amount, which



he had accepted at the time of the engagement/ring ceremony.

7. Having considered the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR that both the parties had entered into the negotiation of marriage but after the ring ceremony, the petitioner broke the engagement, as such there is a breach of trust between the parties. Both the parties are at a liberty to avail remedy, in accordance with law, before the competent Civil Court.

8. In case, above mentioned facts and circumstances, the petitioner is directed to be released on pre-arrest bail in the event of his arrest or surrender before the learned District Court within a period of six weeks from today in connection with Madhubani Town P.S. Case No. 280 of 2023 pending in the Court of learned Chief Judicial Magistrate, Madhubani on such terms and conditions, as the learned District Court deems it fit and proper, as well as, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. With the aforesaid observation/direction, the bail application stands disposed off.

(Purnendu Singh, J.)

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