

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49948 of 2024**

Arising Out of PS. Case No.-1563 Year-2022 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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ABHIMANYU KUMAR S/O BISHESHWAR PRASAD @ VISESHAR  
PRASAD CHAURASIA R/O VILLAGE AND P.S- GORAUL, DISTT.-  
VAISHALI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. HARERAM PRASAD S/O LATE LAKSHMI PRASAD R/O VILLAGE-  
CHINTAMANPUR, P.S- MEHASI, DISTT.- EAST CHAMPARAN.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhay Shanker Singh, Advocate  
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2     28-08-2024     1.             Heard learned Counsel for the petitioner and  
learned APP for the State.

2.             This application, for grant of anticipatory bail,  
arises out of Complaint case no. 1563(c) of 2022, disclosing  
offences punishable under Sections 406, 323 of the Indian  
Penal Code and Section 4 of Dowry Prohibition Act.

3.             The prosecution story, as per the complaint, is  
that the marriage of complainant's daughter namely Neha  
Kumari was performed with the petitioner on 11.12.2020.  
During course of delivery of child, unfortunately she died on  
25.10.2021. It has been alleged that after the death of his  
daughter, complainant demanded the expenses incurred



during the marriage of his daughter as also gifts and articles given to her, upon which father and mother of the petitioner promised that their son (petitioner) shall be married with the younger daughter of the complainant and on 27.02.2022, co-accused Visheshar Prasad Chaurasiya assured before the panches that he would marry his son with the younger daughter of the complainant, however, lateron, he refused to marry his son with the complainant's younger daughter.

4. Learned Counsel for the petitioner submits that upon bare perusal of the complaint, it appears that no case is made out under Section 4 of Dowry Prohibition Act, inasmuch as there is no demand of dowry by the petitioner and his family members from the complainant. Learned counsel further submits that no promise was made by the petitioner's father for marrying his younger brother with the complainant's younger daughter. The marriage of petitioner's brother has already been solemnized with another girl.

5. On the other hand, learned counsel for the complainant vehemently opposed the prayer for anticipatory bail and submits as per allegation made in the complaint, the engagement was also performed between the complainant's younger daughter and the younger brother of the petitioner.



He further submits that the accused persons refused to return the expenses incurred in the marriage of the elder daughter of the complainant and have also resiled from their promise.

6.           Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the wife of the petitioner died a natural death during course of delivering a child, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7.           This application is, accordingly, allowed.

8.           Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, 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, Sadar, Motihari, East Champaran in connection with Complaint case no. 1563(c) of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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