

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55544 of 2024

Arising Out of PS. Case No.-2072 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Laxman Prasad, Son of Bhola Prasad, R/O Vill.- Gahiri Kothi, P.S.- Nautan, Dist.- West Champaran.
 2. Lakhpati Devi, Wife of Laxman Prasad, R/O Vill.- Gahiri Kothi, P.S.- Nautan, Dist.- West Champaran.
 3. Abhimanyu Kumar, Son of Laxman Prasad, R/O Vill.- Gahiri Kothi, P.S.- Nautan, Dist.- West Champaran.
 4. Pawan Kumar, Son of Laxman Prasad, R/O Vill.- Gahiri Kothi, P.S.- Nautan, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Prasad, Son of Late Nagendra Prasad, R/O Vill.- Noneya Dhab Tola, P.S.- Paharpur, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2024 Heard Mr. Sangeet Deokuliar, learned Advocate for
the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 2072 of 2022, giving rise to Tr. No. 1519 of 2023, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. The complaint has been filed on 18.08.2022 at the behest of the complainant, who is the opposite party no.2 herein, alleging therein that the marriage of his daughter was fixed with



petitioner no.4, whereas the petitioner nos. 1, 2 and 3 are his father, mother and brother. The marriage was settled with the condition that Rs.5,00,000/- (Five lakh) cash and other articles worth Rs.1,00,000/- would be given to the petitioners and in pursuance of which Rs.3,00,000/- was given to the petitioner no.1 and other amount has also been given to other accused persons, despite the aforesaid fact, the petitioners did not come with *Barat*, due to which the marriage of informant's daughter could not be solemnized and his reputation ruined.

4. Learned Advocate for the petitioners adverting to the averments made in the complaint contended that *prima facie* it appears that engagement of the informant's daughter was fixed on 25.11.2020 and the date of marriage was scheduled on 02.06.2021, but surprisingly the present complaint case has been filed on 18.08.2022 without assigning any reason for the delay. It is further contended that there is no chit of paper suggesting that the amount, as alleged in the complaint, has been given or transferred to the account of petitioner no.1. It is next contended that even if the allegation is taken to be true, for the sake of argument, no case, much less under Sections 420 and 406 of the Indian Penal Code is made out against the petitioners. Moreover, the case has not been instituted under the Dowry



Prohibition Act nor cognizance has been taken. Be that as it may, the petitioners are the persons of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court. The other co-accused persons, who are said to be the family members and mediator of the marriage, they have been allowed the privilege of anticipatory bail by this Court vide order dated 27.07.2023 in Cr. Misc. No. 37793 of 2023.

5. On the other hand, learned APP for the State opposes the bail application and submits that notice is required to be issued to the opposite party no.2.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in filing of the complaint case, apart from the fact that the dispute appears to be a dowry demand and there is no ingredient constituting the offence under the penal provisions, much less, under Sections 406 and 420, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, East Champaran, Motihari in connection with Complaint Case No. 2072 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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