

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71078 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- NARHATT District- Nawada

1. Nirpraj Chaudhary @ Nirpraj Kumar @ Saheb Chaudhary Son of Late Gajadhar Chaudhary Resident of Village- Akari Pandey Bigha, PS- Narhat, District- Nawada
2. Manju Devi Wife of Gauri Chaudhary Resident of Village- Akari Pandey Bigha, PS- Narhat, District- Nawada
3. Gauri Chaudhary Son of Late Gajraj Chaudhary Resident of Village- Akari Pandey Bigha, PS- Narhat, District- Nawada
4. Praduman Chaudhary @ Praduman Raj Son of Gauri Chaudhary Resident of Village- Akari Pandey Bigha, PS- Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-04-2025 Heard Mr. Satya Prakash Parasar, learned counsel for the petitioners and Mr. Prem Kumar Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Narhat P.S. Case No. 153 of 2023 , F.I.R. dated 22.04.2024 for the offences punishable under Sections 504, 506/34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. According to prosecution case, the informant alleged that two years ago, marriage of his daughter was



solemnized with petitioner no.4 and the informant gave Rs. 2,05,000/- as dowry. But due to some reason the marriage was called off. The petitioner side assured the informant in front of Panchayat that they will return back Rs. 1, 80,000/- in two installments, Rs. 90,000/- was to be paid as first installment on 31.01.2024 and second installment on 01.04.2024 but when the informant went to the house of the petitioners for the same, the petitioners abused and assaulted him.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case.

5. Learned counsel for the petitioner on instructions submits that the petitioners have already paid the first installment and the petitioners are ready to pay the rest amount of Rs. 90,000/- to the informant at the time of furnishing bail bond. He further submits that the informant is required to furnish an affidavit before the learned court below that if the petitioners succeeded in the criminal case, the informant shall return the amount to the petitioners.

5. Learned counsel for the informant submits that he has no objection and he assured this Court that informant shall file an affidavit before the learned court below.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Nawada in connection with Narhat P.S. Case No. 153 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall produce a demand draft of Rs. 90,000/-(Rupees Ninety Thousand) in favour of the informant at the time of furnishing bail bond and learned Court below shall hand over the demand draft to the informant or his representative and the informant shall also furnish an affidavit as mentioned aforesaid.

ii. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

iii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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