

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1905 of 2016

1. Sudhir Narayan
 2. Anuja Devi
 3. Dharendra Kumar @ Dheeraj
 4. Satyendra Narayan
 5. Dr. Suman Kumar
- ... Petitioners**

-Versus-

1. The State of Jharkhand
 2. Ram Diwakar Prasad
- ... Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	: Ms. Shivani Jaluka, Advocate
For the State	: Mr. Fahad Allam, A.P.P.
For O.P. No.2	: Mr. Nilesh Kumar, Advocate Ms. Sonal Sodhani, Advocate

08/24.01.2024 Heard Ms. Shivani Jaluka, learned counsel for the petitioners, Mr. Fahad Allam, learned counsel for the State and Mr. Nilesh Kumar along with Ms. Sonal Sodhani, learned counsel for opposite party no.2.

2. This petition has been filed for quashing of part of the order dated 29.07.2016 passed in A.B.P. No.520 of 2016 and A.B.P. No.546 of 2016 arising out of Bariatu P.S. Case No.101/2016, corresponding to G.R. No.1606/2016, pending in the Court of the learned Judicial Magistrate, Ranchi.

3. Ms. Jaluka, learned counsel for the petitioners submits that there are dispute with regard to solemnization of marriage and it was alleged that certain amount was paid to the petitioners for solemnization of marriage. She further submits that the marriage could not take place and sum of Rs.12 Lakhs has already been returned. She also submits that direction is given in A.B.P. Nos. 520 of 2016 and 546 of 2016 to pay sum of Rs.12 Lakhs to opposite party no.2 and, thereafter, the privilege of anticipatory bail was

allowed to the petitioners. She submits that the petitioners are aggrieved with that direction.

4. Mr. Nilesh Kumar along with Ms. Sonal Sodhani, learned counsel for opposite party no.2 submit that the said order has been rightly passed.

5. The Court finds that in the order dated 29.07.2016 passed in A.B.P Nos. 520 of 2016 and 546 of 2016, it has also been recorded that sum of Rs.12 Lakhs was already returned back by the petitioners to opposite party no.2, however, privilege of anticipatory bail was granted with further direction that sum of Rs.12 Lakhs shall be further paid by the petitioners to opposite party no.2.

6. In regular bail cases as well as in anticipatory bail cases, the orders are required to be passed considering the parameters of granting bail as well as anticipatory bail. The condition put by the learned Court appears to be not in accordance with law.

7. The conditions to be imposed must not be onerous or unreasonable or excessive. In the context of grant of bail, all such conditions that would facilitate the appearance of the accused before the investigating officer/ Court, unhindered completion of investigation/trial and safety of the community assume relevance. However, inclusion of a condition for payment of money for bail tends to create an impression that bail could be secured by depositing money alleged to have been cheated. That is really not the purpose and intent of the provisions for grant of bail.

8. In view of the above facts, the said part of the order dated 29.07.2016 passed in A.B.P. No.520 of 2016 and A.B.P. No.546 of 2016 arising out of Bariatu P.S. Case No.101/2016, corresponding to G.R. No.1606/2016, pending in the Court of the learned Judicial Magistrate,

Ranchi is set aside. The petitioners shall be provided the privilege of anticipatory bail in terms of the order dated 29.07.2016 passed by the learned Judicial Commissioner, Ranchi without payment of Rs.12 Lakhs to opposite party no.2.

9. This order has been passed considering the parameters of grant of regular bail as well as anticipatory bail.

10. Accordingly, this petition is disposed of.

(Sanjay Kumar Dwivedi, J.)

Ajay/