

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15733 of 2021

Arising Out of PS. Case No.-536 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Chandrabhan Yadav@ Bhan Yadav, aged about 45 years, male, Son of Magho Yadav @ Madho Yadav, Resident of Village - Bijrukh, P.S. - Kurtha, Distt. - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Aklesh Das, aged about 51 years, male, Son of Late Dukhharan Das, Resident of Village - Jamanganj, P.S. - Barabar Tourism, Distt. - Jehanabd.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate
For the Opposite Party No. 2 : Ms. Meenakshi Kumari, Advocate
For the State : Mr. APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 04-04-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Trial No. 1910 of 2020 arising out of Complaint Case No. 536 of 2018 in which cognizance has been taken against him under Sections 323, 406 and 34 of the Indian Penal Code.



The marriage of one Indal Das was fixed with the daughter of opposite party No. 2, in which negotiation, his family members had acted as mediators. So far as the petitioner is concerned, he is also said to have been part of the deliberations. However, when the *Tilak* ceremony was being performed, the opposite party No. 2 discovered that the groom to be was a differently abled person. He, therefore, got an impression that somebody else was shown as the groom and later, Indal Das had appeared for marrying the daughter of opposite party No. 2.

Perforce the marriage negotiation had to be cancelled. However, when the opposite party No. 2 wanted to have his money returned, he was misbehaved with.

The petitioner, who is said to be an ex-*Mukhiya* is also said to have shooed away the opposite party No. 2 and his associates and also assaulted some of them.

The learned counsel for the petitioner has submitted that he is a rank outsider and only because he has shown some sympathy for the groom, he too has been made accused in this case. It has further been submitted that the



marriage proposal ultimately was cancelled and the groom to be as well as his family members have agreed to return Rs. 25,000/- to opposite party No. 2 which is a reasonably assessed quantum of expenses which might have been spent by the opposite party No. 2 in making preparations for the *Tilak* ceremony.

It has also been brought to the notice of this Court that neither of the parties have been able to settle down in life.

Considering this aspect of the matter, the groom to be and others have been granted anticipatory bail by this Court *vide* order dated 29.03.2022 passed in Cr. Misc. No. 9397 of 2021.

The petitioner is directed to ensure as an elderly person of the society as also in his capacity as ex-*Mukhiya* to have the opposite party No. 2 returned an amount of Rs. 25,000/- at the earliest.

Considering the nature of accusation against the petitioner and the background facts, he, in the event of his arrest or surrender before the learned Court below within a



period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Jehanabad in connection with Trial No. 1910 of 2020 arising out of Complaint Case No. 536 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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