

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9397 of 2021

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

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1. Indal Das, aged 23 years, Gender-Male, Son of Lalan Das Resident of Helalpur, P.S. - Kinjar, District - Arwal.
 2. Karu Das, aged 22 years, Gender-Male, Son of Birendra Das Resident of Village - Paibigha, P.S. - Main, District - Gaya.
 3. Birendra Das, aged 61 years, Gender-Male, Late Mungesar Das Resident of Village - Paibigha, P.S. - Main, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Akhilesh Das, aged about 51 years, gender-male, Son of Late Dukharan Das Resident of Village - Jamanganj, P.S. - Barabar, District - Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Adv.
For the State	:	Mr. APP
For the O.P. No.2	:	Mr. Arvind Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 29-03-2022 Heard learned counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Jehanabad Complaint Case No. 536/2018 in which cognizance has been taken under Sections 323, 406 and 34 of the Indian Penal Code.

The marriage of the petitioner no.1 was fixed with the daughter of the opposite party no.2 in which negotiation, the petitioner nos. 2 & 3 acted as mediators. However, when the Tilak ceremony was being performed, the opposite party no.2



discovered that Indal Das (petitioner no.1) was not the same person whom he had seen as the groom. In fact, somebody else had masqueraded as groom to be and later, the petitioner no.1, who is a differently abled person sat for being betrothed to the daughter of the opposite party no.2 for which the opposite party no.2 was not agreeable.

The marriage ultimately was cancelled. However the money which was spent by the opposite party no.2 to the tune of Rs. 40,000/- has not been returned to him.

The learned counsel for the opposite party no.2 however has submitted that he comes from a poor family and because of the false representation of the petitioners, such money was ill-spent towards the marriage ceremony.

Learned counsel for the petitioners on the other hand has submitted that no such false projection was given and because of the daughter of the Informant denying to marry the petitioner no.1, at the nick of the time, the marriage had to be cancelled.

Be that as it may, the petitioners are ready to return Rs. 25,000/- which is the reasonably assessed quantum of expenses which might have been spent by opposite party no.2 in making preparation for the Tilak ceremony but, subject to the



condition that the opposite party no.2 would withdraw the complaint and not prosecute the petitioners any further. Such an offer has been made only to cut-short the delay in the disposal of this criminal case.

Neither of the parties have been able to settle down any life.

The approach of the learned counsel for the petitioners as also opposite party no.2 appear to be genuine.

The provisional bail granted to the petitioners vide order dated 21.12.2021 is hereby confirmed.

The petitioners shall remain on the same bail bonds.

In case the petitioners return the amount of Rs. 25,000/- to the opposite party no.2, the complaint preferred by him shall be withdrawn and it shall be presumed to be a settlement of the dispute between the parties.

(Ashutosh Kumar, J)

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