

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31442 of 2025

Arising Out of PS. Case No.-1175 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Bijendra Prasad @ Bijendra Prasad Yadav S/o Late Baddu Gope Resident of Village- Gonpura, Alampur P.S.- Phulwarisharif, District- Patna
 2. Ravi Prakash S/o Bijendra Prasad @ Bijendra Prasad Yadav Resident of Village- Gonpura, Alampur P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi W/o Kedar Nath Prasad Resident of Mangala Ashan, Ramchandra Pur, P.S.- Laheri Town, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishor Prasad, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the O.P. No. 2	:	Md. Soban Asghar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-09-2025 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the O.P. No. 2.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Complaint Case P.S. Case No. 1175 C of 2023, filed for the offences punishable under Sections 420, 406, 120B, 504, 506 read with Section 34 of IPC and Section 74 of I.T. Act.

3. As per allegation, the complainant arranged the marriage of her daughter Arti Kumari with Ravi Prakash, son of



co-accused, Bijendra Prasad Yadav and even she paid Rs. 3 lac in the account of Bijendra Prasad Yadav in connection with the marriage. As per further allegation, there was further demand of dowry, which was not acceptable to the complainant and hence, the marriage could not be solemnized. However, despite demanding the money paid in the account of Bijendra Prasad Yadav and other money paid by way of cash, the same was not returned by the accused persons.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that there was no negotiation of any marriage and no ceremony like *chheka* was organized. He further submits that the cognizance has been taken only under Section 406 IPC, for which maximum punishment prescribed for the alleged offence is three years. Hence, in view of celebrated judgment of **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**, the petitioner should be granted anticipatory bail, because there is no requirement of any custodial interrogation.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.



6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State and learned counsel for the O.P. No. 2 vehemently oppose the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Complaint Case P.S. Case No. 1175 C of 2023, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.



(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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