

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44530 of 2025

Arising Out of PS. Case No.-328 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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Bipin Kumar S/O Late Arun Kumar @ Late Arun Yadav R/O Village-
Chandrasar, P.S.-Tankuppa, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. Musafir Yadav S/O Late Amrit Yadav R/O Village- Srirampur, P.S- Fatehpur,
Dist.- Gaya.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Gaya Complainant Case No. 328 of 2023 dated
27.03.2023, for the offences punishable under Sections 418 and
406 read with Section 34 of the Indian Penal Code

3. As per the allegation in the complaint petition,
the marriage of complainant was fixed with the petitioner and
for that a sum of Rs. 2,08,000/- (Rupees two lakhs and eight
thousand only) for the expenses of marriage was given to the
petitioner's side. The marriage didn't solemnize due to
unforeseen reasons and when the complainant asked the



petitioner's side to return the given amount they did not return the same. Thereafter, the complainant sent a legal notice to the petitioner's side on 10.11.2022 and after that on 20.02.2023, the accused persons entered into the complainant's house and abused and assaulted the complainant and also took thumb impression of complainant on a blank paper.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case due to ulterior motive. From perusal of complaint petition it appears that the alleged incident took place in March, 2022, but the present case had been lodged on 27.03.2023 after almost a year without giving any explanation for the said delay. He further submits that from perusal of complaint petition and supplementary affidavit, it appears that the present dispute is purely civil in nature. Moreover, in the supplementary affidavit, the complainant has stated that he had given the money to one Arun Yadav and not to the petitioner.

5. Learned counsel for the complainant as well as the learned A.P.P. for the State opposes the prayer for pre-arrest bail of the petitioner.

6. Keeping in view of the aforesaid facts and circumstances of the case, this Court is inclined to extend him



the privilege of anticipatory bail.

7. Accordingly, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, where the case is pending in connection with **Gaya Complainant Case No. 328 of 2023**, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., on further conditions:

(i) One of the bailors should be close relative of the petitioner.

(ii) If the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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