

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57152 of 2024

Arising Out of PS. Case No.-344 Year-2021 Thana- BIHAR District- Nalanda

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1. Pankaj Kumar Son of Dashrath Yadav @ Daso Yadav Resident of village - Kewai (Khapra), P.S.- Karani, District - Sheikhpura.
 2. Dashrath Yadav @ Daso Yadav Son of Raghunandan Yadav Resident of village - Kewai (Khapra), P.S.- Karani, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anand Kumar S/o Late Lakhanchand yadav Resident of village - Asalgadhi Sherpur P.S. Bihar Dist-Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No. I
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 12-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. The allegation in the First Information Report is that the marriage was fixed between the petitioner No. 1 and the younger sister of the informant for which, an amount of Rs. 11 lakh was given as marriage expenses. However, the marriage between the parties could not materialize and hence, the money was demanded back, out of which the petitioners have returned



Rs. 5 lakhs and refused to return an amount of Rs. 6 lakhs.

4. The learned counsel for the petitioner submits that, as a matter of fact, the informant had approached the petitioner No. 2 with the help of mediator for the marriage and he had sent an amount of Rs. 5 lakhs in the account of the petitioner's wife without consent of petitioner No. 2. However, the petitioners returned the said amount paid by the informant back to the account of the informant, which would be evident from Annexure-P/2 to the present application. The informant also explains in the First Information Report that an amount of Rs. 5 lakhs was given by the petitioners. Therefore, on merits, the case appears to be one of some money transaction and the money has already been returned to the informant. No useful purpose would be served by sending the petitioners into custody as they do not have any criminal background.

5. The main objection that has been raised by learned APP for the State is that there is a delay in approaching the courts for grant of anticipatory bail, in response to which learned counsel for the petitioner has submitted that he has given an explanation in paragraph 11 of his petition that the First Information Report of this case did not bear the signature of the authority and hence, neither the petitioner had knowledge



of the said First Information Report nor could he bring a certified copy of the same. It has been stated that only when the process under Section 82 was being executed, the petitioner got knowledge about the said occurrence and he immediately filed for a certified copy of the order. Learned counsel for the petitioner has brought to the notice of this Court an order dated 17.05.2024, passed by learned Court below, from which it would appear that the signature was made by learned CJM on the date 17.05.2024. In such view of the matter, the delay caused in approaching the Court for anticipatory bail stands explained.

6. The conduct of the police in this case in the Case Diary is also noticed and the way the investigation has proceeded would be evident as the diary has been written after long intervals. It is also to be taken into consideration that after subsequent delay caused by the police in investigation, the Police had then hurriedly asked for the warrants and subsequently for issuance of Section 82 process.

7. Taking all these facts into consideration and also considering that the petitioners have no criminal antecedent, let the petitioners, above named, in the event of his arrest or surrender before the Court below within four weeks, be released



on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S. Case No.344 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioners shall co-operate in the investigation/trial.

8. However, on account of the delay occurred in the present case, it is directed that the petitioners would make themselves available at an interval of 14 days till the submission of charge sheet.

(Soni Shrivastava, J)

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