

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59924 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Binay Kumar S/o- Sri Bisheshwar Mahto R/o - Sakuchi Sarai, P.S - Giriak,
District - Nalanda
 2. Munna Kumar S/o- Sri Bisheshwar Mahto R/o - Sakuchi Sarai, P.S - Giriak,
District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Mahto S/o- Sri Indradeo Mahto Village- Hasanpura Ps- Kadirganj
Dist- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad , Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-09-2025 Heard learned counsel for the petitioners and the

State .

2. Petitioners apprehends arrest in a case registered

for the offence punishable under sections 406 and 34 of the

Indian Penal Code .

3 . The prosecution case, as per complaint, is that the

marriage of the daughter of complainant, namely , Sangam

Kumari was fixed with petitioner No. 1 namely, Binay Kumar

and thereafter, petitioner's side demanded Rs. 3 lakh from

complainant and thus, he became ready to give the aforesaid

amount and accordingly paid the amount on several occasion to



complainant i. e ., on 14.11.2022 Rs. 75,000/- was transferred through Phonepe linked with phone No. 6203329438 and on 9.12.2022 Rs, 1 lakh was transferred thorough Phonepe linked with phone No. 8825275828 connected with SBI account No. 20377402612 was again transferred. Thereafter, 31.01.2023 Rs. 50,000/- and on 1.02.2023 Rs. 50,000/- were transferred in the account of accused persons account No. 20377402612 and accordingly total amount of Rs. 275,000/- was transferred through online mode and Rs. 25,000/- was paid via cash .

4. It is further alleged that on 6.03.2023 when complainant called petitioner No. 1 at the shop of cloth in Nawada for purchasing cloth and after arrival of petitioner No. 1, he got Eplilepsy attack and fell down on the ground and just after 4 days, again when petitioner No. 1 was called in Nawada Hero Honda motor cycle show room for purchasing motorcycle wherein he again got the attack of Epilepsy and then complainant came to know that groom Binay Kumar, petitioner No. 1 , was suffering from Epilepsy disease and thus, fraudulently tried to solemnize the marriage of her daughter with petitioner No. 1 and also took money from the complainant. It is further alleged that when complainant asked to return his money which was transferred on earlier occasion to



the account of accused persons, then these petitioners along with other co-accused persons refused to return the aforementioned money and accordingly, the present complaint case was lodged against these petitioners and others.

5 . Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case . As a matter of fact, petitioner No. 1 namely Binay Kumar never suffered from Epilepsy disease and the same is based on imaginary and there is no evidence regarding the same . The entire allegation against these petitioners is an after thought. The daughter of complainant has already married with another person . This complaint has been lodged after the inordinate delay of more than 8 months for which there is no plausible explanation which itself creates doubt over the entire prosecution case .

6. Learned counsel for the State opposed the prayer for bail and submitted that there is direct and specific allegation against these petitioners that they along with other co-accused persons fraudulently tried to solemnize the marriage of daughter of complainant with petitioner No. 1 Binay Kumar and for the same, accused persons demanded Rs. 3 from account and received the same in their account on different dates and also



hid the fact that petitioner No. 1 Binay Kumar was suffering from Epilepsy disease. It is further submitted that when complainant came to know about the disease of petitioner No. 1 , he demanded his money back but accused persons refused to return the same .

7. Considering the submissions advanced on behalf of the parties and taking into consideration the nature of accusation against these petitioners, prayer for pre-arrest bail of these petitioners is rejected.

(Prabhat Kumar Singh, J)

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