

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83299 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- GOPALPUR District- West Champaran

1. Haroon Mian S/O Late Idan Mian Resident of Vill- Shiv Ghat, Malahi Tola, P.S.- Gopalpur, Dist- West Champaran
2. Shaddam Alam @ Saddam Alam S/O Amirullah Ansari Resident of Village- Mansha Tola, Bettiah, P.S. Bettiah Mufassil, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kasim Mian S/O Koda Mian Resident of Village- Madhopur, Bairiya, P.S.- Gaunaha, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 12-05-2025 Heard learned Counsel for the petitioner, learned counsel for the O.P. No.2 and learned Additional Public Prosecutor for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable under Sections 420, 406, 323, 504, 120B and 34 of the Indian Penal Code.

3. The allegation is based upon the complaint filed by the O.P. No.2, which was subsequently sent for institution of F.I.R. under Section 156(3) Cr.P.C. The allegation in the complaint is that negotiation of marriage was taking place between son of the petitioner No. 2 and daughter of the informant/complainant.



The said process started in the month of last week of May, 2023. It has been alleged that some amount was paid in cash and some through bank account transaction towards fixing the marriage. However, the marriage could not materialize between the parties on account of demand of a motorcycle on behalf of the petitioners and hence, the marriage negotiation failed while the complainant paid a total amount of Rs. 84,000 to the petitioners.

4. The learned counsel for the petitioners submits that the petitioner No. 1 is the father of the boy, whose marriage was being negotiated and petitioner No. 2 is also his relative. It has been stated that as a matter of fact there was no demand of Apache motorcycle and the amount of Rs. 84,000 which has been alleged by the O.P. No.2 to have been taken by the petitioners are also not correct. It has also been pointed out that there is a delay in filing of the complaint and the same has been done after due thought and deliberation. The learned counsel for the petitioner, at this stage makes an offer that the amount which was given to the petitioners by way of bank transfer which is a total of Rs.34,000 would be returned to the O.P. No.2, however, contending that in such negotiations, money is spent by both the parties.

5. Learned APP for the State opposes the prayer for



anticipatory bail application.

6. In such view of the matter, I am inclined to grant the privilege of anticipatory bail to the petitioners, however, a receipt of the deposit of the amount of Rs. 34,000 in the Nazaarat would be produced at the time of finishing of bail bonds. 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 C.J.M., Bettiah, West Champaran/Successor Court, in connection with Gopalpur P.S. Case No.32 of 2024, 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.

(Soni Shrivastava, J)

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