

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1370 of 2025

Arising Out of PS. Case No.-311 Year-2024 Thana- HILSA District- Nalanda

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1. Sunita Devi W/o - Sharwan Kumar Village- Budhaul, Ps- Nawada, Dist- Nawada, P/A- Mohalla- Pandit Pur, Rajgir, Ps- Rajgir, dist- Nalanda
 2. Krishna Kumar Vishwkarma Son of Sharwan Kumar Village- Budhaul, Ps- Nawada, Dist- Nawada, P/A- Mohalla- Pandit Pur, Rajgir, Ps- Rajgir, dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arjun Prasad Vishwakarma Son of Late Jharo Vishwakarama village- Kaji Bazar, Ward no. 20, Hilsa, Ps- Hilsa, Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam
Mr. Sunil Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 07-08-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the opposite party no. 2.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 406, 420/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The allegation in the first information report is that on account of marriage negotiation between the informant's daughter and petitioner no. 2, an amount of Rs. 1,00,005/- was given into the account of the petitioner no. 2. Subsequently, an



amount of Rs. 12,50,000/- was also given to co-accused Shrawan Kumar, who is the father of the petitioner no. 2 and husband of the petitioner no. 1. However, the marriage did not materialize between the parties.

4. Learned counsel for the petitioner, at the outset, submits that he admits that there were marriage negotiation between the parties and an amount of Rs. 1,00,005/- was given in his account of the petitioner no. 2 which he returned to the informant by way of account transaction, not only an amount of Rs. 1,00,005/- but Rs. 66,000/- extra as other expenses. It is completely denied that any amount had been paid to any one in the family of the petitioners by way of cash. It is further submitted that the marriage between the parties could not materialize due to different reasons. While the petitioner no. 1 is the mother of petitioner no. 2 and petitioner no. 2 himself is in the service of the Customs Department and they have no criminal antecedent.

5. Learned APP for the State and learned counsel for the opposite party no. 2 have opposed the application for anticipatory bail. It is submitted on behalf of the learned counsel for the opposite party no. 2 that the money has been taken from the informant and subsequently, they have denied the marriage



and have thus, committed an offence of cheating.

6. Considering all the above mentioned facts and circumstances, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hilsa P.S. Case No. 311 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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