

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1168 of 2025

Arising Out of PS. Case No.-1530 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Dil Mahammad Mian Son of Late Rafique Mian
 2. Samsa Khatoon @ Shamsa Khatoon Wife of Dil Mahammad Mian Both resident of Village- Barwa, P.S.- Majhauriya, Dist- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Ibrahim Mian son of late Sahabjan Mian, Resident of village- Jaukatia, PS- Majhauriya, Dist- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-05-2025 Heard learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Complaint Case No.1530 C/2023, registered for the offences punishable under Sections 406, 323, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the complaint petition, the complainant had negotiated marriage of his daughter with the son of the petitioners and the said contract failed due to denial of son of the petitioners. The petitioners have deceived the complainant of Rs.1,75,000/-, which was



given in cash for the purpose of marriage.

4. Learned counsel appearing on behalf of the petitioners submitted that the allegation made in the complaint petition is false and concocted. The son of the petitioners was minor on the date of alleged incident and a contract of marriage with the minor is void, as such, the question of receiving a sum of Rs.1,75,000/- does not arise.

5. Mr. Umesh Kumar Gupta, learned counsel has tendered his appearance on behalf of the complainant and he has submitted that the petitioners being father and mother are the main accused, who had taken advance of Rs.1,75,000/- and at the time of negotiation, the complainant had not knowledge that the son of the petitioners was not adult. From the beginning, the petitioners have deceived the complainant and the ingredient of Section 406 of Cr.P.C. to breach the trust is made out in this case.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

7. Having considered the rival submissions made on behalf of the parties, as well as, the allegations made in the complaint petition, the specific allegation against the petitioners is that they had negotiated a marriage with their son without



disclosing the age of their son, who as per the matriculation certificate issued by the Bihar School Examination Board was born on 17.02.2005, however, the petitioners have made specific submission in paragraph no.9 of the bail application that the petitioners were ready to solemnize marriage of their minor son with the daughter of the complainant, who has two sons from her first husband. I find that such negotiation for marriage with a minor is not permissible under law. The matter was referred for mediation but the mediation between the parties failed. I find that the petitioners and the complainant are close relative and they can resolve the matter, if they find it proper.

8. The petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Swati Priyadarshni, J.M. Ist Class, Bettiah, West Champaran/concerned court, in connection with Complaint Case No.1530-C/2023, subject to conditions as laid down under Section 482(2) of BNSS of 2023

9. The learned district court is directed to verify the criminal antecedent of the petitioners and if it is found that the



petitioners are involved in some other cases as what has been
stated in paragraph No.3 of the bail application, this order will
automatically lose its force.

(Purnendu Singh, J)

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