

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9102 of 2015

Arising Out of PS.Case No. -32 Year- 2014 Thana -MAHILA P.S. District- SEKHPURA

Mukesh Yadav son of Shivalak Yadav, resident of Village- Phulwariya,
P.S.- Hisua, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Kavita Devi daughter of Late Ram Lakhan Yadav, resident of Village- Bhadeli, P.S. & District- Sheikhpura

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Jitendra Kr.Roy 1(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 25-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 380, 498A, 494/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

The notices were issued to opposite party no. 2-

informant vide order dated 20.04.2015, but in spite of valid service of notice as gets reflected from the office note dated 01.07.2015, none is appearing on behalf of opposite party no. 2-informant.

It is submitted by learned counsel for the petitioner that the petitioner has not performed second marriage, though, statement to that effect has not been made in the petition. Statement has been made in paragraph 9 of the petition that the petitioner is ready to keep the informant as wife with full dignity and honour, which reads as follows:- **“That the petitioner is ready and willing to keep and maintain his wife with full respect and dignity.”**

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve 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 learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura Mahila P.S. Case No. 32 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present order will not preclude the



informant to resume conjugal life. If the informant files such an application then the petitioner will be obliged to comply the undertaking given before this Court.



(Dinesh Kumar Singh, J.)

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