

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24430 of 2016

Arising Out of PS.Case No. -22 Year- 2015 Thana -MAHILA PS District- GAYA

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1. Brajesh Yadav @ Karu Yadav Son of Rajendra Yadav Resident of Village- Basua, Police Station - Wazirganj, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dulari Devi Wife of Brajesh Yadav@Karu Yadav, Daughter of Surendra Yadav Resident of Village- Basua, Police Station - Wazirganj, District Gaya.At present Resident of Village- Kanaudi, Tola Padara, Police Station - Wazirganj, district Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Pranav Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 20-06-2016 Power is filed on behalf of the informant.

Heard learned counsel for the petitioner, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioner being husband of the informant is languishing in jail custody since 18.04.2016 in a case registered for the offences punishable under Sections 498A, 494/34 of the Indian Penal Code.

Submission on behalf of the petitioner is that earlier petitioner was granted anticipatory bail by learned Sessions Judge with condition that he shall keep the informant with him with full



honour and dignity but after the aforesaid order, the informant refused to go with the petitioner and after that petitioner fell ill as a result whereof, he could not surrender before the court below in time. Subsequently, he filed a modification petition before the learned Sessions Judge but the same was rejected and then petitioner voluntarily surrendered before the court below on 18.04.2016 and since then he is languishing in jail custody.

Learned counsel for the informant refuted the above stated submissions pointing out that after grant of provisional anticipatory bail, petitioner never took any attempt to take the informant to his home and subsequently, with mala fide intention he filed modification petition. It is further submitted that informant is still ready to lead her conjugal life with the petitioner but as a matter of fact, petitioner has solemnized his second marriage with another lady.

It would appear from perusal of the first information report that marriage of informant had taken place with petitioner in the year 2007 and after eight years of the marriage the present case was lodged. Moreover, except the general allegation of illegal demand as well as torturing, no specific overt-act has been attributed against the petitioner.

Considering the aforesaid facts and circumstances as

well as submissions of the parties and also taking note of period of detention of the petitioner in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Gaya in connection with Gaya Mahila P.S. Case No. 22 of 2015.

However, learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible. It is also made clear that petitioner shall attend the trial court on each and every date in person and if he fails to do so on two consecutive dates without any genuine cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

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