

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44213 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -MAHILA P.S. District- MADHEPURA

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Jayant Kumar Son of Late Satya Narain Yadav Resident of village-
Rampatti, P.S.- Kumar Khand, district- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi Kumari, D/o Dinesh Yadav, W/o Jayant Kumar, R/o
village – Jirba Madheli, P.S. Shankarpur, District – Madheupura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 27-01-2017

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 341, 323, 498A/34 of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand.

It is submitted by learned counsel for the
petitioner that the petitioner was earlier married with one Ranju
Devi in July, 1997 and gave birth of three children but she died on
25.05.2009, thereafter the elder brother of the petitioner namely,



Dilip Yadav persuaded the petitioner to get married with his sister-in-law (Sali), the present informant, and marriage was performed on 24.09.2014 but subsequent to marriage, the petitioner came to know that the informant was earlier married to one Sanjay Yadav on 29.04.2013 and she is still alive. The informant has not taken divorce. Subsequently, the petitioner filed Matrimonial Suit No. 28 of 2015, though, the same was recorded as 20 of 2015 in the earlier order dated 06.10.2016 which stands corrected, for declaring the marriage null and void. The petitioner also filed an informatory petition no. 408 of 2015 in the court of learned CJM, Madhepura and thereafter as a retaliatory measure the present case has been registered.

Notices were issued to opposite party no. 2 vide order dated 06.10.2016. The office note dated 25.01.2017 reflects that the notices were received by opposite party no. 2 but none is appearing on behalf of opposite party no. 2.

A supplementary affidavit has been filed to the effect that a joint petition has been filed in Matrimonial Suit No. 28 of 2015 as contained in Annexure-5 to the supplementary affidavit and in the present criminal case being Madhepura Mahila P.S. Case No. 04 of 2016 that both sides decided to part ways and the informant does not want to proceed with the case.



Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for two months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Madhepura in connection with Madhepura Mahila P.S. Case No. 04 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on verification of the compromise petition filed by the informant.

(Dinesh Kumar Singh, J)

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