

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19340 of 2015

Arising Out of PS.Case No. -1239 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

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1. Rabindra Yadav @ Rabindar Yadav, son of Bikram Yadav, resident of village - Duar Pahari, Police Station - Jhajha, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Malti Devi, wife of Rabindra Yadav and daughter of Aado Yadav, resident of village - Arawariya, P.O. - Naiyadih, Police Station - Sono (Charka Pathar), District - Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash, Advocate

For the Opposite Party/s : Mr. U.S.P.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 30-03-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Complaint Case No.1239-C of 2013 instituted for the offence under Section(s) 498-A Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner is husband of the complainant.

It has been submitted that wife has performed second marriage on 11.02.2015 with Dhananjay Kumar @ Amod Kumar, son of late Gahinath Yadav, resident of village-Banadih, P.S.-Gidhaur, District- Jamui, and is living with her peacefully. She is unnecessarily harassing the petitioner by filing the case.

Notice was issued to the complainant-Opposite Party No.2, but she has not appeared. Notice was hanged on her door as per the service report.



Learned APP has opposed the prayer for bail.

The petitioner has filed a certificate, which is annexed as Annexure-2, signed by the Ward Member and other villagers with regard to fact that the complainant-Opposite Party No.2 has performed second marriage.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.1239-C of 2013, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Jamui, subject to the conditions as laid down under Section 438(2) Cr. P. C.

Liberty is given to the complainant-Opposite Party No.2 to file appropriate application in the lower court for cancellation of bail of the petitioner in the event submission made by him with regard to performing second marriage by the complainant-Opposite Party No.2 with Dhananjay Kumar @ Amod Kumar, is found false.

(Sanjay Priya, J)

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