

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38367 of 2017

Arising Out of PS.Case No. -877 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

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Jitendra Yadav, Son of Anirudh Yadav, Resident of Village- Sahil Pathra,
Police Station- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi, W/o Jitendra Yadav, D/o Kuleshwar Yadav, R/o Vill- Sahil, P.S.- Wazirganj, Distt- Gaya, at present R/o Maika, Village- Bodhechan, P.S.- Wazirganj, Distt- Gaya.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-08-2017 Heard learned counsel for the petitioner, learned
counsel for the complainant- opposite party no.2 and the learned
A.P.P. for the State.

Petitioner is languishing in judicial since 29.05.2017
in connection with Complaint Case No. 877 of 2015, Trial No.
2840 of 2016 for the offence registered under Sections 323, 384,
498A and 494 of the Indian Penal Code and Sections 3/ 4 of the
Dowry Prohibition Act.

The complaint case, as lodged by the complainant, is
that she was married to the petitioner, but since she did not bear
any child, petitioner married second time with one Kanchan Devi
and all the accused persons, including the petitioner and Kanchan



Devi used to torture the complainant and they tried to kill her by pouring kerosene oil, but she fled away from the house.

It has been submitted by the learned counsel for the petitioner that he is innocent, he married second time, as complainant gave consent since she did not bear any child and that he is ready to keep the complainant as wife with full dignity and honour.

However, learned counsel for the complainant submits that she is not ready to stay with the petitioner as she has been subjected to torture and her life is in danger in her matrimonial house. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the stand of the petitioner, let the petitioner above named be released on provisional bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 877 of 2015 (Trial No. 2840 of 2016), subject to the condition that petitioner will pay Rs. 1500/- per month as maintenance to opposite party no.2-complainant from September, 2017.

The provisional bail of the petitioner will be confirmed



on his filing affidavit before the learned Court below that he will regularly make payment of maintenance amount, as directed above. If it is brought to the notice of the learned Court below that the petitioner defaults in making payment of maintenance amount on two consecutive occasions, the complainant will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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