

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73728 of 2018

Arising Out of PS. Case No.-264 Year-2017 Thana- COMPLAINT CASE District- Araria

Vikash Yadav @ Vikas Yadav, Son of Late Shri Rameshwar Yadav, Resident of Village- Suksena, P.S.-Tarabari, District-Araria.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sanju Devi, Wife of Vikash Yadav, Resident of Village- Suksena, P.S.-Tarabari, District-Araria. Presently Resident of Village Jagir Itaahi, P.S. Kursakata, District Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Sections 494 and 498A/34 of the
Indian Penal Code.

The prosecution case is that the complainant Sanju
Devi was married with the petitioner Vikash Yadav about 5 ½
years prior to the lodging of the complaint, but subsequently the
petitioner has performed second marriage and for non-
fulfillment of the further dowry demand, torture was inflicted.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and petitioner has not performed second marriage, though, statement to that effect has not been made in the petition. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner states that he is willing to keep his wife with full dignity and honour but it is the complainant herself is not coming to her matrimonial house even after much persuasion.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of 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, Araria in connection with Complaint Case No. 264-C of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the



complainant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue, but it will not be confirmed, if it is found that the petitioner has performed second marriage and in that eventuality the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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