

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70733 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- TANDWA District- Aurangabad

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Vijay Yadav, S/o Kesho Yadav, Resident of Village- Khajuri Tika, P.S.-
Tandwa, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Meena Devi, D/o Suryadeo Yadav, R/o Pichhuniya, P.S. Tandwa, District-
Aurangabad (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Opposite Party/s : Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for offences punishable
under Sections 495 and 498A of the Indian Penal Code.

The prosecution case as per the written report of
Meena Devi submitted to SHO, Tandwa is to the effect that she
was married with the petitioner Vijay Yadav in the year 2002
and blessed with a female child in 2010. But subsequently, the
accused persons started inflicting torture upon the informant for
non-fulfillment of further dowry demand of Rs.5,00,000/-. It is
further alleged that the petitioner has performed second
marriage.



Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a female child out of the wedlock. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“8. That the petitioner is husband of the informant and ready to keep her with full honour and dignity.”

It is further submitted that the petitioner has not performed second marriage, though statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VII, Aurangabad(Bihar) in connection with Tandwa P.S. Case No. 52 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below issue notice to the



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

The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned court below, or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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