

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2285 of 2019

Arising Out of PS. Case No.-150 Year-2018 Thana- PANDAUL District- Madhubani

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Shiv Charan Yadav, son of Rajlal Yadav Resident of Village-Mohanpur, P.S.-
Pandaul, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Devi, wife of Shiv Charan Yadav, Resident of Village-Mohanpur, P.S.-
Pandaul, District-Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Jha

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner, being the husband of the informant is apprehending arrest case registered for the offences punishable under Section 341, 323, 498A, 494, 384, 504, 506 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the fardbeyan of Sudha Devi, recorded by police officer, Town P.S., Pandaul is to the effect that marriage between the informant and the petitioner,



Shiv Charan Yadav was performed in the year 2002. Subsequently, they were blessed with two sons but they could not survive. Thereafter, further dowry demand of a motorcycle was made and due to non-fulfillment of the same, torture has been inflicted upon the informant. It is further alleged that on 09.08.2018 at about 10.00 A.M., when the informant was going to school, where she was an employee, she was assaulted by all the accused persons including the petitioner. In the meantime, the villagers came and took the informant to Sadar Hospital.

Learned counsel for the petitioner submits that earlier the informant has also lodged a case against the petitioner, being Pandaul P.S. Case No. 10 of 2010, with the same accusation but the matter was compromised after certain lands were transferred in favour of the informant and now she is pressurizing the petitioner to transfer his entire property including his residential house in favour of the informant. It is further submitted that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 12 of the petition which reads as follows:-

“12. That it is submitted here that the petitioner is ready to keep the Opp. No.2 as wife with full of dignity and honour, but it is she, who did not want to live with the petitioner, the



demand of the Opposite Party No.-2, is that the either the petitioner leave his family members or register his entire property including residential house in her name, there after only she will live with the petitioner. ”

Moreover, the FIR was registered for the offences punishable under Sections 341, 323, 498A, 494, 384, 504, 506 and 34 of the I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, but the charge sheet has been submitted only under Sections 341, 323, 498A, 504 and 34 of the I.P.C.

Considering the above mentioned 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 **C.J.M., Madhubani** in connection with **Pandaul P.S. Case No.150 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 complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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