

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5441 of 2019

Arising Out of PS. Case No.-169 Year-2018 Thana- LODIPUR District- Bhagalpur

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AKHILESH YADAV @ AKHILESH KUMAR YADAV, aged about 30 years,
(male), son of Late Umesh Yadav, resident of Village - Sardha, P.S. - Sabour,
Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 494 of the Indian Penal Code.

The prosecution case as per the written report of Rabita Devi submitted to the D.I.G., Bhagalpur is to the effect that the husband of the informant used to torture her for non-fulfillment of further dowry and also has performed second marriage. It is further alleged that on 23.09.2018, the petitioner and other in-law family members came to the parents house of the informant



and the petitioner established physical relationship with the informant without her consent. Thereafter, on 24.09.2018, all in-law family members including the petitioner, pressurized the informant for divorce.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. At an earlier point of time, the informant lodged Mahila P.S. Case No.33 of 2014 filed with accusation under Sections 498A/34 of the I.P.C. and Sections 3/4 of the Dowry Prohibition Act, wherein the petitioner was granted regular bail by co-ordinate Bench of the Court vide order dated 19.06.2018, passed in Cr. Misc. No.33869 of 2018, as contained in Annexure – 3. Thereafter, maliciously, the present case has been lodged against the petitioner.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the fact that the petitioner was made accused in one other case of similar nature by the informant, in which he has already been granted bail, and thereafter on 02.10.2018, maliciously the present case has been lodged against the petitioner, for the occurrence of 23.09.2018 and 24.09.2018, let the above named petitioner be released on



anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned **C.J.M., Bhagalpur** in connection with **Lodipur P.S. Case No.169 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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