

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16172 of 2019**

Arising Out of PS. Case No.-68 Year-2018 Thana- MAHILA P.S. District- Saharsa

Sanjay Yadav, Son of Shivo Yadav, Resident of Village- Sisai, P.S.- Saharsa,
District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 15-03-2019 Heard learned Counsels for the petitioner and
learned APP for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498(A), 323, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Rubi Devi submitted to SHO, Mahila Police Station is to the effect that the marriage of the informant was performed with the petitioner Sanjay Yadav in the year 2006. For sometime the matrimonial relationship was cordial and in the year 2016, they were blessed with one male child, but he could not survive, due to callous attitude of matrimonial family members. Thereafter, the petitioner developed some illicit relationship with one



Chunchun Devi, Sister-in-law (Bhabhi), and on protest being made, torture was inflicted upon the informant. Thereafter, there was further dowry demand of Rs.2,00,000/- and a motorcycle and due to non-fulfillment of the same, torture was inflicted upon the informant and ultimately she was driven out of the matrimonial house after snatching all her belongings by the petitioner and other in-law family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in paragraph no.11 of the petition, which reads as follows:-

“11. That it is stated that the petitioner ready to restore the relation and keep the informant with full of love and dignity but informant did not want so.”

It is further submitted that the accusation of demand of dowry after 10 years of marriage seems absolutely unreasonable and unbelievable.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for a period of six months, 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 **Judicial Magistrate Ist Class, Saharsa** in connection with **Mahila P.S. Case No. 68 of 2018**, 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 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)

Deepak/Rahul/-

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