

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17073 of 2019

Arising Out of PS. Case No.-196 Year-2017 Thana- KEWATI District- Darbhanga

Shyam Kumar Yadav @ Shyam Roy, aged about 35 years (Male, Son of Nathuni Roy, R/o village- Bhagwatpur, P.S.- Gaighat (Benibal O.P.), District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Asha Devi, aged about 30 years (Female), Wife of Shyam Kumar Yadav @ Shyam Roy, R/o village- Bagdih, P.S.- Keoti, District- Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Pankaj Kumar Das, Advocate.
For the State	:	Mr.Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-04-2019 A supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 341, 376, 494, 498(A), 504, 506 of the IPC and $\frac{3}{4}$ of the D.P. Act.

The prosecution story, in brief, is that the informant was married with the petitioner in the year 2010 and at the time of marriage, her parents gave sufficient gifts. But, since the last one year, petitioner alongwith his family members started torturing her due to non-fulment of demand of one Mini Truck.



She also gave birth of a son from the aforesaid wedlock. It is further alleged that the petitioner has solemnized second marriage with another lady and thereafter, petitioner tried to give poison to the informant. It is further alleged that her Dewar tried to commit rape upon her. She has further stated that before three month, the accused persons including the petitioner snatched her ornaments and clothes and kicked out from the house and since then she is living in her Naihar and on 09.09.2017, accused persons came to her Naihar and petitioner put stamp paper before her and said to write according to his dictation and on her refusal, they threatened to kill her then she gave her signature on three papers.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The charge sheet has been submitted for an offence under Sections 147, 341, 354, 494, 498(A), 504, 506 of the IPC and ¾ of the D.P. Act. Offences are triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The



State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Darbhanga, in connection with Keoti P.S. Case No. 196 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

