

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74978 of 2018

Arising Out of PS. Case No.-259 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

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Mukesh Yadav, Son of Chhathu Yadv, Resident of Village-Kasap, Police
Station-Udwantnagar, Distt.-Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh
For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 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 the offences punishable under Sections 498A, 313 and 406 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated with the filing of Complaint Case No. 1164 of 2018, which ultimately got registered as police case, after the complaint being transferred under Section 156 (3) of the Cr. P.C..

The prosecution case is to the effect that marriage between the petitioner and the informant was performed on 27.04.2016, but subsequently, further dowry demand of Rs. 1 lac, cooler,



fridge and motorcycle was made and for non-fulfillment of the same, the informant was tortured and ultimately, after snatching all the belongings, the informant was driven out from the matrimonial house. It is further alleged that the petitioner assaulted the informant and tried to administer poison, as a result, the informant gave birth to a still born child.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no.8 of the petition, which reads as follows:-

“That the petitioner is husband of the informant and ready to keep his wife with full dignity in accordance with his financial condition.”

It is further submitted that no medical document has been annexed with the complaint to suggest that the complainant gave birth to a still born child or she was administered poison. The petitioner has also filed Matrimonial Suit No. 232 of 2018 with a prayer for restitution of conjugal life.

Learned APP submits that thrust of accusation is against the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory



bail for six months in the event of arrest/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 like amount each to the satisfaction of learned CJM, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 259 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the learned Court below issue notice to the informant and on her appearance, the petitioner will take the informant as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the 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)

Amrendra/-

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