

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24298 of 2019**

Arising Out of PS. Case No.-107 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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RAJESH YADAV Son of Bhaso Yadav Resident of Village - Pathlatol, Simha,
Simha Barari, P.S.-Matihani, Distt - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Manju Devi Wife of Rajesh Yadav Resident of Village - Kari Rasalpur, P.S.-
Teghra, Distt - Begusarai. Presently residing at Lakhanpur, Pathaltol,
Dhaboli, P.S.- Muffasil, Distt - Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 26-08-2019 This application, for grant of anticipatory bail, arises out
of Complaint Case No. 107/2018, disclosing offences under Sections
498A of the Indian Penal Code.

Petitioner happens to be husband of the complainant and
allegation against him is of subjecting the complainant to torture with
respect to demand of dowry and ousted her and her children from the
house.

Submission of learned counsel for the petitioner is that
complainant is a widow and has falsely implicated the petitioner in
this case and there was no marriage between the petitioner and the
complainant and the age of petitioner is 23 years whereas, the age of
complainant is 38 years and only to pressurize the petitioner to marry
her, this false case has been lodged.



Heard learned A.P.P. also.

In this case earlier notice was issued to opposite party no. 2 but due to laches on the part of the petitioner to file the requisite in time, the case as against opposite party no. 2 stood dismissed. However, this court feels that presence of opposite party no. 2 in this case is necessary.

Accordingly, this application is disposed of with direction to the petitioner to surrender in the court below within a period of four weeks and on surrender the court below shall release the petitioner on provisional bail for a period of four months on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Begusarai and in the meantime, the court below shall issue notice to the complainant and after appearance of complainant, the court below shall hear both the parties and thereafter, he will pass an appropriate order either confirming the provisional bail or cancelling the provisional as he deems fit and proper.

With the above observation and direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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