

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33929 of 2019

Arising Out of PS. Case No.-526 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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VIKASH YADAV @ BIKASH KUMAR YADAV S/o Raghav Yadav
Resident of Bakepatty Majhauwa, P.S.- Chautarwa, District- West Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Biga Yadav S/o Late Surya Bali Yadav Resident of Patilar, P.S.- Chautarwa,
District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachindra Kumar Tiwary

For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 25-09-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 526 of 2018 in which cognizance has been taken under Section 498A of the Indian Penal Code.

Allegation as per complaint petition is that complainant was subjected to torture and ousted from the house as she gave birth to female children and petitioner happens to be her husband.

Submission of learned counsel for the petitioner is that he is still ready to keep her with dignity and care. On the other hand, learned counsel for opposite party No.2 has opposed the prayer on the ground that earlier also she was taken by the



petitioner and again she was subjected to brutally assault, as such she is not ready to reside with the petitioner and moreover she is not getting any expenses from the petitioner as she is residing in her Maikie along with her children.

Heard learned APP also.

In view of above facts and circumstances, this application is disposed of with direction to the petitioner to surrender in the court below within a period of two weeks from the receipt of this order and on condition that he has to pay Rs.3000/- per month to opposite party No.2 for a period of one year and during that period it is expected that opposite party No.2 shall move before the Family Court for grant of maintenance and further on personal service of notice to the petitioner, he has to co-operate in disposal of the maintenance case and he will abide by any order, either interim or final, passed by learned Family Court, he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Bagaha, West Champaran, in connection with Complaint Case No. 526 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of



the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned. It is made clear that on failure to deposit the said amount continuously for three months, the opposite party No.2 is at liberty to move before the court below for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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