

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 62798 of 2018

Arising Out of PS. Case No.-225 Year-2016 Thana- Teghra District- Begusarai

Ashok Kumar Yadav Son of Tuna Yadav, R/o Village- Rajapur, P.S.- Muffasil,
District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar
2. Nitu Devi W/o Ashok Kumar Yadav, R/o Village Rajapur, P.S. - Muffasil,
District Begusarai.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Sri Rakesh Kumar Mr. Chandan Kumar Kashyap
For the Opposite Party/s	:	Mr. Md. Ashlam Ansari

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 05-03-2019 Heard Sri Rakesh Kumar, learned counsel assisted by

Sri Chandan Kumar Kashyap, learned counsel for the petitioner
and learned Addl. Public Prosecutor. Despite valid service of
notice, the opposite party no. 2 has preferred not to appear.

The petitioner, apprehending his arrested in Teghra
P.S. Case No. 225 of 2016 registered for offence under Section
498(A) of the Indian Penal Code and Sections 3/4 of Dowry
Prohibition Act, 1961, has prayed for grant of bail in the event
of his arrest or surrender.

Earlier, notice was directed to be issued and service
report suggests that it was already served and as such, by order
dated 14-02-2019, notice was treated to be validly served on



opposite party no. 2, even then, the opposite party no. 2 has not appeared.

Learned counsel for the petitioner, at the very outset, has drawn my attention to order dated 28-06-2018 passed in Matrimonial Case No. 19 of 2016 (*Ashok Kumar Yadav vs. Nitu Devi*), which was filed under Section 9 of the Hindu Marriage Act, 1955. Learned counsel for the petitioner submits that even before the Family Court, Begusarai, the opposite party no. 2 had filed a petition showing disinclination for residing with the petitioner. This fact has been noticed in the said order.

I have also perused the order dated 28-06-2018 passed by learned Principal Judge, Family Court, Begusarai.

In view of facts and circumstances, particularly the fact that opposite party no. 2 has preferred not to appear and before the Family Court, a stand was taken that she was not interested to live with the petitioner, there is no reason to refuse the prayer for anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Ashok Kumar Yadav be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Begusarai



in connection with Teghra P.S. Case No. 225 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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