

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59304 of 2018

Arising Out of PS. Case No.-390 Year-2017 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Jibachh Yadav @ Jibachh Kumar Yadav, S/o Dorik Yadav, R/o Vill.- Dighiya,
P.S.- Nirmali, District- Supaul. Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Devi, W/o Jibachh Yadav, R/o Dighiya, P.S.- Nirmali, District-
Supaul, at present D/o Sukhilal Yadav, R/o Mahathaur Got, P.S.- Andaramath,
District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner, being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 341, 504, 498(A) and 379 of the I.P.C. and Sections 3/4 of D.P. Act.

The prosecution case as per the complaint petition filed by the complainant, Chandra Devi is that the marriage between the complainant and the petitioner was performed in the year 2014. Subsequently, further dowry demand of a motorcycle and Rs. 2,00,000/- was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by the petitioner and other in-law family members.



It is further alleged that the petitioner has also performed second marriage. Thereafter, in the year 2016 after snatching all the belongings, the complainant was driven out from her matrimonial house.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.10 of the petition which reads as follows:

“10. That the petitioner is ready to keep the complainant but she refused to live with the petitioner.”

Learned counsel for the petitioner further submits that the petitioner has not performed second marriage but no statement to that effect has been made in the petition.

It is submitted by the learned APP for the State that after finding prima facie case cognizance has been taken against the petitioner.

It appears that vide order dated 28.09.2018 notices were issued to the complainant O.P. No.2 and the office note dated 05.12.2018 reflects that the complainant has entered appearance but none is appearing on behalf of the complainant O.P. No.2.

Considering the present stand of the petitioner to the



effect that he is ready to keep the complainant as wife with dignity and honour, 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 the like amount each to the satisfaction of the learned **S.D.J.M., Jhanjharpur, Madhubani** in connection with **C. R. Case No. 390 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

If the complainant files any such application to resume the conjugal life before the learned Court below then the learned Court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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