

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9518 of 2020

Arising Out of PS. Case No.-833 Year-2019 Thana- COMPLAINT CASE District- Jamui

Anil Yadav @ Anil Kumar Yadav aged about 46 years (Male), S/o Kapildeo Yadav, R/o Village – Pathraito P.S. + District -Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchala Devi W/o Anil Yadav, D/o- Lakhan Yadav R/o Village- Darkha, P.S.- Sikandra, District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-03-2020 Heard Mr. Shiv Shankar Sharma, learned counsel for the petitioner and Mr. Prakash Mahto, learned counsel appearing for the Opposite Party No. 2.

The petitioner apprehends his arrest in connection with Complaint Case No. 833C of 2019 registered for the offence punishable under Sections 498, 323 of the Indian Penal Code, 1860 and Section 3/4 of Prevention of Witch (Dayan) Practices Act.

The allegation against the petitioner as per the complaint petition is that the petitioner and other family members used to torture the complainant i.e. Opposite Party No. 2 and pressurized her to return the ornaments to the first wife of



the petitioner namely, Sangita Devi, who has also been made accused in the complaint petition, but no cognizance has been taken against Sangita Devi.

Learned counsel for the petitioner submits that petitioner is ready to keep the complainant -Opposite Party No. 2 as his wife with all care, honour and dignity and undertakes that petitioner will not torture the Opposite Party No. 2 - complainant.

Learned counsel appearing for the complainant- Opposite Party No. 2 on instruction submits that the Opposite Party No. 2- complainant is ready to live with her husband i.e. the petitioner, provided she is kept in her matrimonial home with honour, care and dignity.

As agreed between the parties, let the petitioner visit the place (naihar) of Opposite Party No. 2 to take her back to her matrimonial home in order to keep her there as his wife. Learned counsel for the petitioner submits that petitioner will visit his sasural i.e. maika of Opposite Party No. 2 on 17th March, 2020 at about 11.00 A.M. and will bring his wife back to his residence for living together. Learned counsel for the Opposite Party No. 2 submits that the complainant will be ready by that time to accompany the petitioner.



In view of the above stated facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Complaint Case No. 833C of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure and subject to further condition that a joint affidavit shall be filed before the court below at the time of surrender of the petitioner to the effect that undertaking given by the petitioner has been complied and husband and wife are living together peacefully.

With above observation and condition, this anticipatory bail application is allowed.

(Anil Kumar Sinha, J)

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