

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20862 of 2022

Arising Out of PS. Case No.-615 Year-2017 Thana- COMPLAINT CASE District- Banka

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SUNIL YADAV Son of Suresh Yadav, Resident of Village - Gangti, P.S. -
Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. USHA DEVI D/o Kamdev Yadav, Resident of Village - Bhimsen, P.S. -
Amarpur, District - Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 12-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Complaint Case No. 615 of 2017 lodged under Section 498(A)
of the Indian Penal Code and Section 4 of Dowry Prohibition
Act.

Vide order dated 25.07.2022 notice was issued to O.P.
No.2 (complainant). The acknowledgment receipt of speed post
has been received by which it is clear that the informant Usha
Devi has received the notice, as the said notice is directed to be

validly served vide order dated 31.08.2022 but till date nobody appeared in this case.

Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with O.P. No.2 on 09.03.2015 and after marriage they started living together. It has been submitted that the petitioner has liability of his old ailing parents and one mentally retarded younger brother. He further submits that O.P. No.2 has always opposed for the same for which the petitioner was not ready and only due to this reason, the present case has been filed. Learned counsel for the petitioner further submits that he is always ready to keep his wife happily but before Sessions Judge, the wife refused to live with the petitioner, which is clear from the order passed by the Sessions Judge also. It has been categorically stated that in paragraph-15 that as per the knowledge of the petitioner, O.P. No.2 has already solemnized her marriage with another person and leading her conjugal life with him. He further submits that petitioner is in custody since 17.09.2021.

Learned counsel for the State submits that even upon valid service, O.P. No.2 not appeared and undertaking is already there to keep his wife happily.

In the present facts and circumstances of this case and

the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Banka in connection with Complaint Case No. 615 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

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