

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25159 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- KHIJARSARAI District- Gaya

Raj Ballabh Yadav @ Raj Ballam Kumar S/O Baleshwar Yadav @ Jodhi Yadav R/O Village- Kaiya Tand, P.S.- Khizersarai (Sarbahada O.P.), District- Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumar W/o Raj Ballabh Yadav, D/o Ramashray Yadav @ Tulsi Yadav R/o village- Kaiyatand, P.S.- Khizersarai (Sarbahada O.P.), District- Gaya, presently residing at Village- Rasulpur, P.S.- Mahkar, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 498 (A) of the Indian Penal Code.

The accusations are of torture, making assault for non-fulfillment of dowry demand and ousting the informant from her matrimonial house.

It is submitted by learned counsel for the petitioner that petitioner is husband of the informant and



he has falsely been implicated in this case. The marriage between the petitioner and the informant was solemnized in the year 2014, hence, the provisions under Section 498(A) shall not be attracted in the case of the petitioner. It is further submitted that the informant, after marriage had not stayed a single day with the petitioner in her matrimonial house due to this reason, the petitioner has filed Divorce Case No. 47 of 2021 for dissolution of marriage before learned Principal Judge, Family Court, Gaya and thereafter the present F.I.R has been registered against the petitioner. The petitioner is still ready to settle the dispute.

It appears that the informant has entered her appearance through an advocate and a *Vakalatnama* to that effect has also been filed but today none appears on behalf of the informant.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four



weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Khijarsarai P.S. Case No. 252 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

