

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33337 of 2021**

Arising Out of PS. Case No.-70 Year-2020 Thana- MAHILA PS District- Darbhanga

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BABU PRASAD YADAV S/o Thika Yadav, R/o Village- Kiratpur, P.S.-
Alinagar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/o Babu Prasad Yadav R/o Village- Kiratpur, P.S.- Alinagar,
District- Darbhanga, present Address- D/o Baijnath Yadav, R/o Village-
Suhat, P.S.- Bahera, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 11-10-2022 The learned counsel for the petitioner is directed to remove
all the defects, if any, pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Mahila P.S. Case No. 70 of 2020 registered for offence punishable
under sections 323, 341, 379, 498A, 494/34 of the Indian Penal
Code.

As per allegation, the petitioner, who is husband of
informant, Babita Devi tortured her and he badly assaulted her.
Lastly the petitioner ousted the informant from her matrimonial
house.

The learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in this case.

In order to explore the possibility of resolution of the dispute, the notice was sent to opposite party no. 2, Babita Devi, but none appeared on her behalf despite the fact that the notice has personally been served upon her. The *fardbeyan* shows itself that the marriage has taken place fourteen years ago and two children aged about 12 years and 9 years were born out of wedlock of the couple.

Considering the above mentioned facts and circumstances, the petitioner above named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Mahila P.S. Case No. 70 of 2020, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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