

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40387 of 2022

Arising Out of PS. Case No.-38 Year-2012 Thana- BUXAR MUFFSIL District- Buxar

Virendra Kumar Yadav Son of Late Ram Byas Yadav R/V - Hukha, P.S.-
Buxar (M), Dist.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Poonam Devi Daughter of Ram Nagina Singh R/S Village - Gafuri Chak,
Thana - Bhawnganj, Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Singh, Advocate. Mr. Ram Chandra Singh, Advocate. Ms. Dimpal Kumari, Advocate.
For the Opposite Party/s :		Mr. APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Jitendra Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Buxar (M) P.S. Case No. 38 of 2012, for the
offences punishable under Sections 498(a)/34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.
However, cognizance has been taken under Section 498(A) and
494/34 of the Indian Penal Code and Section 3/4 of the Dowry



Prohibition Act.

The allegation against the petitioner, who happens to be husband of the informant, is demand of rupees one lakh and a motorcycle and due to non-fulfillment of the same, the informant was subjected to torture at the hands of the petitioner.

At the outset learned counsel appearing on behalf of the petitioner submits that earlier the petitioner had moved before this court in Cr. Misc. No. 24287 of 2012 and vide order 19.07.2012, provisional bail was granted till one year and thereafter, both the petitioner and informant appeared before the learned Lower Court and filed a joint petition that they are ready to live along with each other, however, on account of none appearance of the petitioner, the bail bond of the petitioner was cancelled vide order dated 25.05.2015, although he had already filed a petition under Section 317 of Cr.P.C. It is also submitted that in the meantime some dispute arisen between both the husband and wife and the informant filed a petition before the court to modify provisional bail granted to the petitioner and later on, earlier bail order was cancelled vide order dated 03.07.2019. He next submitted that the petitioner has always been ready to keep his wife with full dignity and love, but it is the informant, who by imposing several onerous conditions, is



denying to live with the petitioner and now the petitioner is in custody since 03.06.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the material available on record and the specific submission of the petitioner that he is still ready to keep his wife with full love, affection and dignity, let the petitioner, named above, be released on 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 Additional District & Sessions Judge-XI, Buxar, in connection with Buxar (M) P.S. Case No. 38 of 2012, subject to the condition that one of the bailors will be the close relatives of the petitioner and both the petitioner and informant will appear before the learned court below on the date fixed by the learned court and the court below will take recourse to reconcile the matter with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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