

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60446 of 2022

Arising Out of PS. Case No.-68 Year-2020 Thana- MAHILA PS District- Darbhanga

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Sharwan Yadav S/O Debu Yadav, Resident Of Village- Mashankhon, P.S.-
Kushwar- Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi D/o Sahdev Yadav, W/o Sharwan Yadav, R/o Village-
Mashankhon, P.S.-Kushwar-Asthan, District-Darbhangha

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-12-2022 Let the defect, 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
Mahila P.S. Case No. 68 of 2020 lodged under Sections 323,
379, 498A, 504 and 34 of the I.P.C. read with Section 3/4 of
Dowry Prohibition Act

As per prosecution case, the present criminal case has
been filed by the informant against 6 named accused persons
alleging therein that her marriage was solemnized with the
petitioner in which Rs.6,00,000/- were expensed. The allegation
of physical and mental torture is there in the F.I.R. against the

accused persons. Allegation of attempt to burn by kerosene oil is also there. It has also been alleged that entire jewellery were kept by the husband and his family members. There is threatened to kill the informant and her family members in the F.I.R..

Learned counsel for the petitioner submits that antecedent of the petitioner is clean and he is in custody since 19.08.2022. He further submits that charge sheet has already been filed in this case. He further submits that the informant fled away and lodged the present case against the petitioner and his family members in which petitioner is in custody. Counsel further submits that charge sheet has been filed in this case under Section 498A of I.P.C. and $\frac{3}{4}$ of Dowry Prohibition Act and cognizance has also been taken. He further submits that petitioner is ready to settle the matrimonial dispute between the parties.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant appeared and vehemently opposes the prayer for bail and submits that the petitioner has entered into the marriage with another lady and it is due to this reason she is not inclined to live with him. She

demands maintenance from this Court. Upon specific query that charge has been framed in this case or not, counsel submits that he has no information whether charge has been framed in this case or not.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present. Accordingly the bail petition of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge and Trial Court is directed to release the petitioner on bail imposing its own conditions so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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