

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8407 of 2023

Arising Out of PS. Case No.-284 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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RAM VIJAY YADAV @ RAM VINAY YADAV Son of Bihari Yadav R/V-
Durgichak, PS- Baheri Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi Wife of Ram Vijay Yadav @ Ram Vinay Yadav , D/o Vishundev
Yadav R/V- Madhopur, P.S- Bahera, Dist- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the State	:	Mr. Kanhaiya Kishore, APP
For the O.P. no. 2	:	None

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-09-2023 1. Heard learned counsel for the petitioner and learned
APP for the State. No one appears for the opposite party no. 2.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no. 284 of 2019 wherein cognizance has
been taken under sections 498A and 34 of the Indian Penal Code
and section 4 of the Dowry Prohibition Act.

3. As per the prosecution case, it is stated by the
complainant that she was married to the petitioner in the year
2014. Rs. 2 lacs besides other articles was given by her father
to the accused persons. A daughter was born out of the said
wedlock. Soon after the birth of the daughter, it is stated that the



accused persons including the petitioner herein who happens to be the husband of the complainant started to abuse, assault and torture the complainant and started making demand of Rs. 1 lac in cash and gold. As such the complaint.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on account of being the husband of the complainant. It is the complainant who deserted him which led to the petitioner filing a suit for restitution of conjugal rights under section 9 of the Hindu Marriage Act on 15.6.2019 which was registered as Matrimonial Case no. 165 of 2019 in the Court of Principal Judge, Family Court, Darbhanga. It was much subsequent thereto on 23.9.2019 that the instant complaint was filed making false allegations against the petitioner. The petitioner has no criminal antecedent.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the complaint, filing of the suit for restitution of the conjugal rights of the petitioner prior to lodging of the complaint and the petitioner not having any criminal antecedent, it is directed that the petitioner above named, in the event of his arrest or



surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 284 of 2019 on furnishing bail bond of Rs 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Benipur, Darbhanga.

(Partha Sarthy, J)

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