

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8359 of 2023

Arising Out of PS. Case No.-386 Year-2022 Thana- BASANTPUR District- Siwan

Laxman Kumar @ Laxman Kumar Yadav, Son of Murat Rai R/O Village-
Dabchhu, P.S.- Basantpur (Lakadi Nabiganj OP), District- Siwan

... .. Petitioner

Versus

1. The State of Bihar
2. Madhuri Kumari D/O Asharfi Rai, Wife of Laxman Kumar Yadav R/O
Village- Badkagaon Tola Mishrawaliya, P.S.- Bhagwanpur Hat, District-
Siwan

... .. Opposite Parties

Appearance :

For the Petitioner/s :	Mr. Gautam Kumar Yadav, Advocate
For the Opposite Party/s :	Mr. Ajay Kumar No. 2, APP
For the O.P. No. 2 :	Mr. Bijay Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
counsel for the O.P. No. 2 as also learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Basantpur (Lakadi Nabiganj OP) P.S. Case
No. 386 of 2022 registered for the offences punishable under
Sections 498(A), 323, 379/34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act. He has got no criminal
antecedent.

As per the prosecution story, the informant solemnised
marriage with the petitioner on 17.07.2018. Thereafter, the
petitioner and his family members started torturing her for non-
fulfillment of demand of dowry. It is alleged that the in-laws tried
to put poison in her food and also tried to burn her. It is also



alleged that on 20.06.2022 at a deserted place near pond this petitioner and other accused Bharat Rai tried to strangle the informant but on hulla, the accused person fled away.

Learned counsel for the petitioner submits that he is willing to take back O.P. No. 2 to his matrimonial home and shall keep her with full dignity and care.

Learned counsel for the O.P. No. 2 submits that she will go back to her matrimonial home and will live with her husband.

In the circumstances stated above, this Court directs that the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be **provisionally released on bail for a period of six months from today** in connection with Basantpur (Lakadi Nabiganj OP) P.S. Case No. 386 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in



the name of verification.

During this period, the petitioner will take back his wife (O.P. No. 2) to his matrimonial home and shall keep her with full dignity and care. After being satisfied with his conduct, after a period of six months, the learned court below shall confirm the bail of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner will go to the place of the O.P. No. 2 to take her back but in case the O.P. No. 2 does not turn up, in such circumstance, it should be left open to the petitioner to approach learned court below with appropriate information.

This Court observes that in such circumstance, he will bring this to the notice of the concerned jurisdictional Magistrate who will inquire into the matter through the Jurisdictional Police Station and in case the information of the petitioner is correct, no adverse view shall be taken against his conduct.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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