

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52044 of 2022

Arising Out of PS. Case No.-416 Year-2021 Thana- MUFFASIL District- West Champaran

MUKESH YADAV @ MUKESH KUMAR YADAV S/o Mahanth Yadav
Resident of Village- Banuchhapar P.S.- Bettiah Mufassil (Banuchhapar O.P.),
District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Premshela Devi D/o Ambika Yadav, W/o Mukesh Yadav Resident of Village- Banuchhapar, P.S.- Bettiah Mufassil (Banuchhapar O.P.), Presently Resident of Village- Ward No.06, Bariyarpur, P.S.- Nautan, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-01-2023 Though notice was issued to the opposite party no. 2, however, there is no representation on her behalf despite valid service of notice.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bettiah Mufassil (Banuchhapar O.P.) P.S. Case No. 416 of 2021 for the offence registered under Sections 498(A), 494 and 34 of the Indian Penal Code.

The case of the prosecution, in brief,



according to the informant, is that her marriage was solemnized 17 years back with the petitioner, whereafter her second marriage (*Gawna*) was performed in the year 2011, whereupon she had lived with her husband for one year and out of the wedlock a son was born but subsequently, the accused persons including the petitioner herein, who is the husband of the informant, had ousted her from the matrimonial home on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in five other criminal cases but he is on bail in four of them. It is also submitted that the petitioner is ready and willing to pay a sum of Rs. 2500/- by way of maintenance to his wife every month till appropriate orders are passed by the competent court with regard to maintenance/divorce.

Per contra, the learned A.P.P. for the State



has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, I deem it fit and proper to direct for release of the petitioner on bail in case he is not wanted in any other case, upon him furnishing proof of deposit of a sum of Rs. 2500/- with the Nazarat of the learned Civil Court, Bettiah, West Champaran and further subject to such conditions as may be deemed fit and proper to be imposed upon the petitioner by the learned court of Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Mufassil (Banuchhapar O.P.) P.S. Case No. 416 of 2021.

It is further directed that the petitioner shall deposit a sum of Rs. 2500/- with the Nazarat of the learned Civil Court, Bettiah, West Champaran, in the first week of every month, which upon appropriate application being made by the informant, shall be released in her favour.



It is needless to state that in case of failure on the part of the petitioner to deposit a sum of Rs. 2500/-, in the first week of every month, before the learned court below, the present privilege of bail being granted to the petitioner, shall stand cancelled automatically and the petitioner shall be liable to be taken into custody forthwith.

The petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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