

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57268 of 2023

Arising Out of PS. Case No.-696 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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BACHCHA YADAV, Son of Late Shankar Yadav, R/o village- Hardi, P.S. -
Chaurtarwa, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Devi, Wife of Bachcha Yadav, D/o Ram Balak Yadav R/o village-
Parorha, P.S. - Laukariya, Distt. - West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 13-12-2023 Heard Mr. Sanjeet Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner, who happens to be the husband of
opposite party no.2, is apprehending his arrest in connection
with Complaint Case No.696 of 2022, giving rise to Trial No.
2501 of 2022, wherein cognizance has been taken for the
offences under Sections 323, 341, 498(A), 506/34 of the Indian
Penal Code.

3. Allegedly the marriage of the petitioner was
solemnized with opposite party no.2 in the year 2021. At the
time of marriage, an amount of Rs.2,00,000/- cash and other



valuables were given to the petitioner. However, soon after the marriage she was subjected to further demand of dowry and on account of non-fulfillment of the same, she was tortured in various ways. Further allegation has been levelled that the petitioner has had illicit relation with his sister-in-law (Bhabhi).

4. It is submitted on behalf of the petitioner that though it is admitted that the marriage was solemnized in the year 2021, but on account of suspicion that the petitioner has some soft corner with his Bhabhi, opposite party no.2 voluntarily left her matrimonial house. He further submits that despite the best efforts on the part of the petitioner to resolve the dispute and to bring the opposite party no.2 back to her matrimonial house, resulted into no success. It is further submitted that the petitioner has always been ready to keep opposite party no.2 as his wife and this fact is also strengthened by the subsequent development that the petitioner has filed Matrimonial Case No. 263 of 2022 for restitution of conjugal life. In the aforesaid case, the complainant/opposite party no.2 entered her appearance, but she flatly refused to go with the petitioner, the copy of order dated 31.01.2023, passed in Matrimonial Case No. 263 of 2022 has been brought on record by way of Annexure-2.

5. On the other hand, learned APP for the State



opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has filed a Matrimonial case for restitution of conjugal life wherein opposite party no.2 appeared and refused to live with the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, 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 Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Complaint Case No.696 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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