

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4657 of 2024

Arising Out of PS. Case No.-1353 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Lallan Yadav @ Lallan Kumar Yadav @ Lalan Yadav Son Of Upendra Yadav
Resident Of Village- Peer Nagar, Gamahariya, P.S.- Naokothi, Distt-
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sujita Kumari Wife Of Lallan Yadav @ Lallan Kumar Yadav @ Lalan
Yadav, daughter of Ram Bahadur Yadav, Resident Of Village-
Churamanchak, P.S. - Bhagwanpur, District – Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 16-12-2024 Office is directed to make correction in the address of

opposite party no. 2 in cause title as it reflects from Order No. 2

that instead of the address mentioned in the petitioner some

other address has been entered into cause title regarding

opposite party no. 2.

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

03. In the present case, the petitioner is apprehending
his arrest in connection with Complaint Case No. 1353C of
2020 wherein processes have been directed to be issued after
cognizance being taken for the offence under Section 498A of



the Indian Penal Code.

04. As per prosecution case, the petitioner is the husband of the informant and allegations are that of torturing the informant and treating her with cruelty on account of non-fulfillment of demand of dowry.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and the allegations are false and concocted. The date of marriage is 20.05.2015 whereas the occurrence is stated to be taken place on 04.07.2019 and complaint has been filed on 31.10.2020 and there is no explanation for delay in filing the complaint petition. The allegations and general and omnibus. Learned counsel further submits that the petitioner has been directed by learned Principal Judge, Family Court, Begusarai to make payment of Rs.5,000/- per month to opposite party no. 2 as maintenance amount apart from litigation cost of Rs.7,500/-. Learned counsel further submits that as the informant is the wife of the petitioner, the petitioner, in order to buy peace, undertakes to make payment of Rs. 3,500/- per month to the complainant/opposite party no. 2 towards her maintenance till disposal of the case before the learned trial court.

06. Learned A.P.P. for the State opposes the



submission made on behalf of the petitioner. Learned APP submits that the petitioner is the husband of complainant/opposite party no. 2 and there is specific allegation of demand of Rs.3 lacs and the petitioner has solemnized second marriage.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of dispute and further considering the undertaking of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Judicial Magistrate, Ist Class, Begusarai in connection with Complaint Case No. 1353C of 2020, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) The petitioner would make payment of Rs.3,500/- per month on or before 10th day of each month till disposal of Complaint Case No. 1353C of 2020.



- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

08. However, it is made clear that this amount will be subject to adjustment pursuant to further orders made by any competent court with regard to maintenance to the opposite party no. 2.

(Arun Kumar Jha, J)

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