

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12562 of 2024

Arising Out of PS. Case No.-1229 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. Pawan Kumar Yadav @ Pawan Yadav S/O Dinesh Yadav R/O Mohalla-Bakarganj, (Abhanda), P.S.-Laheriasarai, District-Darbhang.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neero Devi W/O Pawan Kumar, D/O-Late Ram Jatan Yadav R/O-Misroli, P.S.-Sadar, District-Darbhang.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Kanchan Jha, Advocate
For the State	:	Ms. Asha Devi, APP
For the Complainant	:	Mr. Murari Narain Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Ms. Kanchan Jha, learned counsel for the petitioner, Ms. Asha Devi, learned Additional Public Prosecutor for the State and Mr. Murari Narain Chaudhary, learned counsel appearing on behalf of the complainant.

2. The petitioner is apprehending his arrest in connection with C.R. Case No. 1229 of 2018, for the offences punishable under Section 498(A) of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner is said to have demanded dowry from the complainant. On fulfillment of the same they tortured and threatened the complainant and ousted her from her matrimonial house.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner has filed a divorce petition vide Matrimonial (Divorce) Case No. 114 of 2018 before the learned Principal Judge, Family Court, Darbhanga and when the complainant who is opposite party no.2 has come to know about the divorce case, she has filed the present false and fabricated case against the petitioner.

5. The learned counsel for the complainant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the present complaint petition is a counter blast of divorce suit filed by the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IX, Darbhanga in connection with C.R. Case No. 1229 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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.

(Rajesh Kumar Verma, J)

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