

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9044 of 2024

Arising Out of PS. Case No.-688 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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VIRENDRA YADAV @ VIRENDRA KUMAR YADAV @ BIRENDRA KUMAR YADAV, aged about 27 years, SON OF SHIV KUMAR YADAV R/O-SUGGAPATTI, WARD NO. 13, P.S.-PHULPARAS, DISTT.-MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. BABY KUMARI WIFE OF VIRENDRA YADAV @ BIRENDRA KUMAR YADAV @ VIRENDRA KUMAR YADAV R/O- village, SUGGAPATTI, WARD NO. 13, P.S.-PHULPARAS, DISTT.-MADHUBANI.
AT PRESENT BABY KUMARI, D/O-RAM RATAN YADAV, R/O-Vill-NAVTOLI, P.S.-PHULPARAS, DISTT.-MADHUBANI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr.Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s :		Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-02-2024 Heard Mr. Gagan Deo Yadav, Mr. Ravi Prakash and

Mr. Udeshya Kumar Yadav, learned counsels appearing on
behalf of the petitioner and Mr. Manoj Kumar learned APP for
the State.

2. The petitioner seeks pre-arrest bail in connection
with complain case No.688 of 2019 registered for the offence(s)
punishable under Sections 323, 341, 379, 354, 504/34 of the
Indian Penal Code; Section 498(A) of the IPC and Section 3/4 of
DP Act.



3. The present case relates to matrimonial dispute between the petitioner and Opposite Party No.2, who are husband and wife respectively. In complain case No.688 of 2019 filed by Opposite Party No.2, allegations of cruelty, causing hurt and wrongful restraint for non-fulfillment of dowry have been alleged against the petitioner and other in-laws of the complainant.

4. Learned counsel appearing on behalf of the petitioner who is the husband of the Opposite No.2 submitted that the allegations against the petitioner are general and omnibus. He further submitted that the petitioner has no criminal antecedents and is ready to live along with Opposite Party No.2, endeavoring to fulfill all her financial as well as physical desire and also he will keep her with full care, respect and dignity.

5. Learned APP appearing on behalf of the State has submitted that the dispute between the husband and wife being matrimonial dispute, can be resolved amicably between the parties.

6. Heard the parties.

7. Question arises in the present bail application as to whether when the parties have shown their willingness that they



want to resolve their dispute and lead a happy conjugal life, at an interlocutory stage, can pre-arrest bail be granted? This matter has already been discussed in the case of ***Vipin Kumar Versus the State of Bihar & Anr. (Cr. Misc. No.9176 of 2024)***, vide order dated 20.02.2024 for passing order on merits of the case of the parties.

8. Considering the rival submissions made on behalf of the parties, the allegation made in the complaint, totality of the circumstances and the fact reveals that a general and omnibus allegation has been made against the petitioner and applying the observations made in ***Vipin Kumar (Supra)***, particularly considering that the parties are willing to settle their dispute amicably and the petitioner has no criminal antecedent and custodial interrogation is not necessary, I am of the opinion that the petitioner has made out a *prima facie* case to be released on anticipatory bail.

9. The District Court is directed to release the petitioner, above-named, on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned learned S.D.J.,



Jhanjharpur, Madhbani /concerned court in connection with complain case No.688 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

10. In case of failure to live together, the parties may take steps to resolve their matrimonial dispute in an amicable manner. If required, they may file an application before the learned district court for referring the matter to the concerned District Mediation Centre.

11. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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