

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17601 of 2024

Arising Out of PS. Case No.-322 Year-2019 Thana- SIWAN COMPLAINT CASE District-
Siwan

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RAM AWADH YADAV Son of Shri Lal Babu Yadav Resident of Village-
Sisahani, Police Station-Zeeradei, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. LALSA DEVI Wife of Ram Awadh Yadav and daughter of Ramaji Chaudhary Resident of Village-Sisahani, Police Station-Zeeradei, District-Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Tiwary, Advocate
For the State	:	Mr. Pronoti Singh, APP
For Opposite Party No.2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-09-2024 Heard learned counsel appearing on behalf of the

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

2. Despite valid service of notice, nobody appears on
behalf of the Opposite Party No. 2.

3. The petitioner apprehends arrest in a case registered
for the offences punishable under Sections 498A and 406 of the
Indian Penal Code.

4. As per prosecution case, the complainant got
married with this petitioner seven years ago in accordance with
Hindu rituals and customs and out of the wedlock, she gave
birth to two female children. It is alleged that after marriage,



this petitioner, along with other accused persons, started demanding dowry and due to non-fulfillment of demand of dowry, they started torturing and harassing her in various ways and lastly, all the accused persons ousted the complainant from her matrimonial house.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant and present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against him. As a matter of fact, the petitioner at no point of time demanded any dowry or committed torture. As a matter of fact, prior to lodging of the present case, the complainant herself left her matrimonial house and went somewhere else and solemnized second marriage. Thereafter, mother of the complainant lodged Hussainganj P.S. Case No. 97 of 2019 for the offences punishable under Sections 304B, 201, 120B and 34 of the Indian Penal Code, in which, after investigation, police has submitted charge-sheet under Section 498A of the Indian Penal Code, in which case petitioner is already on bail. It is further submitted that petitioner is ready to keep the complainant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has



relied upon a judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006(3) PLJR 182**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is allowed.

8. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Siwan, in connection with Complaint Case No. 322 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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