

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20130 of 2023

Arising Out of PS. Case No.-614 Year-2021 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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YOGENDRA YADAV @ CHOTTU YADAV S/O VIJAY YADAV R/O
VILLAGE- DARMIYA, P.S- RAFIGANJ, DISTT.- AURANGABAD.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrita Kumari W/O Yogendra Yadav @ Chottu Yadav, D/O Radha Ballabh Yadav R/O Village- Darmiya, P.S- Rafiganj, Distt.- Aurangabad. At Present D/O Radha Ballabh Yaav, R/O Village- Yadu Bigha, P.S- Pauthu, Distt.- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh
For the Opposite Party/s	:	Mr. Jagdhar Prasad
For the O.P. No. 2	:	Mr. Amar Prakash

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-02-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the O.P. No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 307, 379, 494, 498A of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the O.P. No. 2 submits that the case was referred for mediation, but then in the mediation chances of resolving the dispute was bleak and even the time allotted to the learned Mediator in the meanwhile expired.

4. Learned counsel for the petitioner does not dispute



the said submission of the learned counsel appearing on behalf of the O.P. No. 2 but then submits that being husband he has been falsely implicated in the present case with an allegation that he has performed his second marriage when he has not. It is also submitted that the marriage in between the petitioner and the O.P. No. 2 was performed in the year 2014 and the present case came to be instituted in the year 2021 i.e. after 7 years of marriage which amply demonstrates that the petitioner came to be implicated in a case under Section 498A of the IPC read with other sections based on general and omnibus allegation. It is also submitted that now the relationship has soured to an extent where it is not possible to revive the conjugal relationship, but then the learned counsel for the petitioner submits that he has instructions of the petitioner to submit that petitioner is willing to pay a monthly maintenance of Rs. 4,000/- to the O.P. No. 2 which shall commence from 11.03.2024.

5. The learned counsel appearing on behalf of the O.P. No. 2 also submits that he also has instructions not to oppose the anticipatory bail application of the petitioner in the event if the petitioner is willing to pay a monthly maintenance of Rs. 4,000/-. It is further submitted that he will *Whatsapp* the bank account number of the O.P. No. 2 on the *Whatsapp* number of



the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the petitioner so that the monthly maintenance, as agreed, commences from 11.03.2024.

6. Considering the joint submissions of the parties, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 614 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that O.P. No. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner for two consecutive months does not pay the monthly maintenance as agreed.

(Satyavrat Verma, J)

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