

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32189 of 2024

Arising Out of PS. Case No.-1230 Year-2016 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

=====

Amit Yadav@ Bauwa Yadav@ Bauwa Son Of Mahadeo Yadav Resident Of
Village- Mankhahi, Ps- Bihra, Dist- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bebi Devi Wife Of Amit Yadav @ Bauwa Yadav @ Bauwa Resident Of
Village- Mankhahi Ps- Bihra, Dist- Saharsa, P/A- Aurahi, Ps- Dhailadh,
Dist- Madhepura

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ashwani Tiwary, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For O.P. No. 2	:	Ms. Preety Kunwar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 16-12-2024 Learned counsel, Mr. Neeraj Kumar, appears and submits that in the present case earlier he has filed *Vakalatnama* on behalf of opposite party no. 2 but he has now given no objection for appearance of another counsel on behalf of opposite party no. 2 and prays for deletion of his name from the Cause-List.

02. The office is directed to verify the fact and delete the name of learned counsel, Mr. Neeraj Kumar, from the Cause-List.

03. Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the



opposite party no. 2.

04. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 1230C of 2016 in which cognizance has been taken against the petitioner under Section 498A of the Indian Penal Code.

05. As per prosecution case, petitioner is the husband of the complainant and allegation against him is that of demanding dowry, torturing and treating the complainant with cruelty.

06. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the allegations are not believable as it has been stated in the complaint petition itself that the complainant was taken away by this petitioner and the father of the complainant filed a case for kidnapping though the complainant married the petitioner with her free consent. So, the story of demanding dowry is not believable. The petitioner was already married. The petitioner and the complainant has a child from their marriage. Learned counsel further submits that the petitioner undertakes to make payment of Rs. 5,000/- towards maintenance of the complainant and their child.

07. Learned A.P.P. for the State as well as learned



counsel for the opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the petitioner runs a dairy business and is having landed property as well. After the complainant ran away with the petitioner, their marriage was solemnized with the consent of their families and subsequently, the petitioner started demanding Rs. 2,00,000/- as dowry.

08. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the complainant is stated to be the second wife and also considering the nature of allegation, 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) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 1230C of 2016, 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. 5,000/- per month on or before 15th day of



each month till disposal of Complaint Case No. 1230C of 2016.

(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.

09. 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)

Ashish/-

U		T	
---	--	---	--

