

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34157 of 2024

Arising Out of PS. Case No.-39 Year-2021 Thana- MAHILA P.S. District- Siwan

Vijay Yadav son of Mukurdhan Yadav R/O- vill - Mishrawaliya , P.S-
Bhagwanpur Hat , Distt- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Kumari W/o Vijay Yadav R/o vill - Mishrawaliya, P.s. - Bhagwanpur,
Present address - vill - Bishunpura, P.O. - Risaura, P.S. - Maharajganj, Distt.-
Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Singh, Adv.
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 18-10-2024 Heard learned Senior Counsel for the petitioner, the
State as also the informant.

2. The petitioner apprehends his arrest in connection with Siwan (Mahila) P.S. Case No. 39 of 2021 for the offence registered under sections 498(A) of the IPC and Section 3 and 4 of the Dowry Act lodged on 25.08.2021 by the informant Rita Kumari.

3. As per the prosecution story, the marriage took place in the year 2019 but according to the informant, she was tortured for dowry. The allegation is that she went to the place of work (Mumbai) but there also she was tortured. This led to lodging of a petition before the Shantakurz Police Station,



Mumbai, a Panchayati also took place but due to repeated assault, the present case.

4. Number of adjournments were made in the matter and in between, the case was also sent to Mediation Center but as per the Mediation report, it failed.

5. The petitioner claims to be serving in Tata Consultancy Services, Mumbai, drawing handsome salary, the lady is in her parent's home for the last three years. Despite having a good job, the petitioner has not provided a single penny to the lady for the last three years forcing her to file maintenance case before the Family Court, Siwan.

6. As both the parties are present and this Court finds that there is point of no return, as agreed between them, till an order comes in the maintenance case from the Family Court, Siwan, the petitioner shall be paying Rs. 10,000 to the lady per month which will go into her bank account directly by 10th of every month in State Bank of India (A/c 41088754803, IFSC Code- SBIB0000054, Branch- Chapra), failing which the lady shall be free to move before this Court for cancellation of the petitioner's bail bond.

7. Though the lady has not agreed to anything less than staying with the husband citing old rituals, in the opinion of



the Court, since the attitude of the petitioner is violent, it will be danger to the life of the lady if she is forced to go with the husband.

8. In that background and considering the aforesaid facts, this Court is inclined to grant him the anticipatory bail with conditions:

i) he shall be paying Rs. 10,000/- per month to the lady which will directly go into her account by 10th of every month;

ii) this order shall merge with the final order passed by the Family Court, Siwan in the maintenance case filed by the lady;

iii) in case, the amount is lesser than the amount fixed by this Court, there shall be no realization of the payment so made till the order comes.

iv) the first installment of Rs. 10,000/- will be given by way of Demand Draft at the time of execution of bail bond.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Siwan in connection with Siwan (Mahila)



P.S. Case No. 39 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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