

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38828 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Ajay Yadav S/o Suresh Yadav R/o vill - Kalyanpur Mushar tola, P.S. - Bhorey,
Distt. - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi D/o Sadhu Choudhary R/o vill - Shelar, P.s. - Phulbariya, Distt.
- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmveer Jha
For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-10-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498A of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
from perusal of the office report dated 27.09.2024, it would
manifest that ordinary notice has been received by father of O.P.
No. 2. Since notice has been received by father of O.P. No. 2,
hence, it is deemed to have been validly served.

4. The learned counsel next submits that complainant
alleges that she was married to the petitioner on 17.06.2017, out



of the wedlock, a child was born but thereafter the accused persons started demanding dowry of Rs. 1 lacs, accordingly, the complainant informed her parents, who tried to pacify the matter but the accused persons stucked to their demand, further, on non-fulfilment of the demand, she was ousted from her matrimonial home on 03.02.2023 and the accused kept her *stree-dhan*.

5. The learned counsel submits that petitioner has been falsely implicated in the instant case been husband of the O.P. No. 2. It is also submitted that petitioner is always willing and ready to keep the O.P. No. 2 with dignity and honor, but then, O.P. No. 2 for reasons best known is not willing to restitute her conjugal rights despite his best endeavour. It is also submitted that the O.P. No. 2 does not allow the petitioner to meet the child. It is next submitted that had the O.P. No. 2 been interested in reviving the conjugal relationship, she would have appeared in the case, but then even after receiving notice, she chooses, not to appear.

6. The learned counsel for the petitioner next submits that even from perusal of the allegation, as alleged in the FIR, it would manifest that the allegation of demand of dowry and torture is general and omnibus in nature. It is next submitted that



petitioner works as a labourer and earns about ten to twelve thousand rupees a month, but then being husband is aware of his responsibility.

7. The learned counsel based on instructions submits that petitioner is willing to pay a monthly maintenance of Rs. 3,000/- to the O.P. No. 2 and the child, which shall commence from 10.10.2024. It is also submitted that no useful purpose would be served by sending the petitioner to jail for the reason, that if petitioner is sent to jail, the chances of future reconciliation on intervention of well wishers will get bleak.

8. The learned APP for the State opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000 /- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gopalganj in connection with Complaint Case No. 343 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



10. However, the O.P. No. 2 shall be at liberty to file an application, seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not give to credit the amount of maintenance, as agreed for two consecutive months, the learned trial court is directed to hand over a copy of the order to the learned counsel appearing on behalf of the complainant before the trial court for perusal of the O.P. No. 2.

11. **The application stands allowed.**

(Satyavrat Verma, J)

Sudhanshu/-

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