

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49689 of 2024**

Arising Out of PS. Case No.-2435 Year-2023 Thana- SIWAN COMPLAINT CASE District-  
Siwan

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Chandan Kumar Yadav Son of Surendra Yadav Resident of Vill- Jamalpur,  
P.O. and P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Devi Wife of Chandan Kumar Yadav, D/O- Mukesh Kumar Yadav At  
Present Resident of Vill and P.O- Rampur Ke Tola, P.S.- M.H. Nagar,  
Hasanpura, District- Siwan.

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Bijay Prakash Singh, Advocate |
| For the State        | : | Mr. Nityanand Tiwari, APP         |
| For the Informant    | : | Mr. Ajay Kumar Pandey, Advocate   |
|                      |   | Ms. Shyama Rani, Advocate         |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      17-12-2024                      Heard Ld. counsel for the petitioner and Ld. APP for  
the State.

2. The present petition has been filed on behalf of the  
petitioner, apprehending his arrest, in connection with  
Complaint Case No. 2435 of 2023, filed for the offences  
punishable under Section 498A, 323 and 406 of the Indian  
Penal.

3. As per the allegation, there was demand of  
additional dowry and on account of non-fulfillment of the same,  
the complainant/wife has been subjected to cruelty by the  
petitioner-husband and other family members and she has been



ultimately ousted from the matrimonial home. It is further alleged that petitioner-husband has entered into second marriage and on the basis of this criminal complaint, cognizance under Section 498A, 494 read with Section 34 of the IPC have been taken against the petitioner and his family members.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has never subjected the complainant/wife to any cruelty. As a matter of fact, the complainant/wife does not want to live with the petitioner-husband and she has deserted him and living at her maiyke. He further submits that Section 494 of IPC is bailable and the maximum punishment provided for Section 498 is three years. He also submits that the petitioner has not entered into second marriage.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State and learned counsel for the O.P. No. 2 submit that the petitioner has subjected the



complainant/wife to cruelty on account of non-fulfillment of demand of dowry. He further submits that the petitioner has entered into second marriage and he is not taking the complainant/wife to his matrimonial home, nor paying any maintenance to her.

8. It appears that there is a matrimonial discord between the parties and for better course of action, they are advised to move before Family Court to resolve their matrimonial disputes and Section 494 is bailable. The maximum punishment prescribed under Section 498A is three years.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate, 1<sup>st</sup> Class, Siwan in connection with Complaint Case No. 2435 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J)**

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