

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50048 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- CHAND District- Kaimur (Bhabua)

Daya Nand Kumar Yadav @ Daya Nand Kumar S/o Brijraj Singh Yadav R/o
Village Keshari, P.S- Chand, Distt.- Kaimur At Bhabua.

... .. Petitioner

Versus

1. The State Of Bihar
2. Utarawati Devi W/o Daya Nand Kumar Yadav @ Daya Nand Kumar R/o
Village- Keshari, P.S- Chand, Distt.- Kaimur At Bhabua, At Present R/o Vill-
Saraiya, P.O- Khurmabad, P.S- Chenari, Distt.- Rohtas At Sasaram.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Ms. Asha Kumari, APP
For the O.P. No.2	:	Mr. Pawan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-12-2024 Heard Ld. counsel for the petitioner, Ld. APP for
the State and learned counsel for the Opposite Party No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Chand P.S. Case No. 68 of 2024 dated
10.04.2024, filed for the offence punishable under Section
498(A), 341, 342, 323, 307, 504, 506/34 of the Indian Penal
Code.

3. As per allegation, the informant/wife has been
subjected to beating leading to multiple abrasion over her
forearm, swelling over the lower lip, bleeding from vagina and
chest pain.

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 present FIR has been lodged after the Petitioner/husband has filed matrimonial petition for divorce. He further submits that the alleged injury is simple in nature. He also submits that the informant/wife is living adulterous life and when the petitioner/husband objected to it, she has deserted the petitioner/husband. She is living at her *mayke* and has filed this false case.

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 bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State as well as learned counsel for the Opposite Party No.2 vehemently oppose the prayer of the Petitioner for bail submitting that the informant has been subjected to beating. He also submits that there are two sons born out of the wedlock and the petitioner/husband has adulterous life with an another lady and on account of which he has subjected the informant to beating.

8. It appears that there is matrimonial discord between the parties on account of suspicion against each other and the



best course for them would be to move Family Court. The petitioner/husband has already filed a divorce petition against the informant/wife and the informant/wife may join the matter and go for reconciliation and settlement at the Family Court. Even the alleged injury is simple in nature.

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. Chief Judicial Magistrate., Kaimura at Bhabua, in connection with Chand P.S. Case No. 68 of 2024, 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 any criminal antecedents, 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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