

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55302 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- MAHILA P.S. District- Saharsa

Rohit Kumar Yadav Son of Jitendra Yadav Resident of Village- Narpatganj
Tola Chhapra Ward No.05, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari Daughter of Umesh Yadav, Wife of Rohit Kumar Yadav,
Resident of Village- Ghoghsame, PS- Simri Bakhtiyarpur, District- Saharsa
... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s :	Mr. Nand Kumar, APP Mr. Subesh Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-09-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Mahila (Saharsa Sadar) P.S. Case no.25 of 2023 registered for the offence punishable under sections 498A, 494, 341, 323, 504, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant states that soon after marriage, the accused persons including the petitioner herein, who happens to be her husband, started to torture her for demand of further dowry by way of Rs.4 lacs. She was abused, assaulted and deprived of food. Finally her husband, the petitioner herein, entered into a second marriage.

4. Learned counsel for the petitioner submits that



the petitioner has been falsely implicated in the case only for the reason of his being the husband of the informant. There is an inordinate delay in lodging of the FIR and the allegations are general and omnibus in nature. In fact, the petitioner himself has filed Matrimonial Case no.115 of 2023 for restitution of conjugal rights but the informant did not cooperate in the same and does not want to continue with the marriage. The petitioner has no criminal antecedent and is ready to abide by any condition which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner being the husband of the informant and specially the uncontroverted allegation of having entered into a second marriage, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the Court below within a period of four weeks.

(Partha Sarthy, J)

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