

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56003 of 2023

Arising Out of PS. Case No.-73 Year-2017 Thana- BABUBARHI District- Madhubani

SHYAM NARAYAN YADAV @ SHYAM NARAYAN SON OF LATE
CHULAHY YADAV RESIDENT OF VILLAGE - BAKSAHI, P.S. - BABU
BARHI, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NIDHI KUMARI WIFE OF SHYAM NARAYAN YADAV, DAUGHTER
OF KANAK BIHARI RESIDENT OF VILLAGE - MAHUA, EKDARA,
WARD NO.17, P.S. - KHAJAULI, DISTRICT - MADHUBANI

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Harish Chandra Patel, Advocate
For the State	:	Mr. Mohammed Arif, A.P.P.
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 01-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a complaint case punishable for the
offence under Sections 323, 341, 498(A), 504, 34 of the Indian
Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

3. It is alleged that informant was married with this
petitioner on 03.07.2023 and after the marriage, this petitioner
and other in-laws family members started demanding Rs. 5 lacs
in the form of dowry and due to non-fulfillment of the same,



the victim was subjected to cruelty and harassment and lastly, she was ousted from her matrimonial house.

4. Learned counsel for the petitioner, while denying the allegations made in the F.I.R., submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the opposite party no. 2. Petitioner never demanded any dowry or committed torture with opposite party no. 2 and she herself left the matrimonial house. As a matter of fact, the the wife of petitioner (informant) has solemnized second marriage with *Ram Ganesh Yadav, son of Nand Lal Yadav, village – Narar East, Gulriya Tola, Ward No. 15-via-Jaynagar P.S. Kaluyahi, District Madhubani*. However, petitioner is still ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the learned Magistrate. Petitioner has got clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Madhubani in connection with Babubarhi P.S. Case No. 73 of 2017, subject to



the conditions, as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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