

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.74301 of 2023**

Arising Out of PS. Case No.-816 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

RAJESH YADAV S/O SRI RAGHO YADAV R/O VILL WARD NO 1  
SIHMA PS-BITHAN DIST- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Kavita Devi W/o Rajiv Kumar Yadav R/o vill - Bhatwan, P.S. - Hasanpur,  
Distt. - Samastipur, at present D/o Ganga Prasad Yadav, Vill - Morkahi, P.S.  
- Bithan, Distt. - Samastipur, Aadhar 210520022061, Mob 6202973253

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjit Kumar Yadav  
For the Opposite Party/s : Mr.Bishweshwar Ram

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
ORAL ORDER

4      31-07-2024      1. Heard the parties.

2. The petitioner apprehends his arrest in connection with  
Complaint Case No. 816 of 2022 dated 05.11.2022 registered  
under Sections 498A, 323, 341, 504, 406, 379, 354, 307, 376,  
511 of the I.P.C.

3. As per the complaint lodged by the Opposite Party No. 2  
the marriage of the complainant was solemnized with the co-  
accused / Rajiv Kumar Yadav on 13.05.2011. After marriage, the  
accused persons started demanding dowry of Rs. 50,000/- and  
due to non fulfillment of the demand, they abused and assaulted  
the complainant. The petitioner being the Nandosi (brother-in-  
law) of the complainant tried to commit rape and outrage her



modesty.

4. Learned counsel for the petitioner submits that entire family members of the husband has been made accused by the complainant on the basis of a concocted story. The date of occurrence in the complaint has been mentioned between the year 2011-2022 i.e. for eleven years. The petitioner is Nandosi (brother-in-law) of the complainant and does not reside in the matrimonial home of the complainant and her husband. He has been dragged in this matter with oblique motive based upon a false story.

5. On the other hand, learned counsel for the complainant / Opposite Party No. 2 opposed the prayer for anticipatory bail and submits that petitioner is instrumental in getting the second marriage of her husband solemnized. He further submits that husband of the complainant took her to Assam where the petitioner as well as the co-accused / Rajiv Kumar Yadav used to do business of furniture and in Assam the petitioner tried to commit rape and outrage her modesty. The petitioner is a person of bad character.

6. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is the brother-in-law of the complainant, husband of the complainant has been



granted anticipatory bail by the learned District court itself and entire family members have been made accused in the complaint, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Abhishek Kumar, Judicial Magistrate, Ist Class, Rosera / concerned court in connection with C.R. No. 816 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

praful/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

