

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80617 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Lalit Kumar Yadav, S/O Gulai Yadav R/O Village- Khairi Banka, P.S- Bisfi,
Aunsi, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bhabina Kumari, W/O Lalit Kumar Yadav, D/O Shyam Yadav At Present
R/O Khangraitha, P.S- Bisfi (PATAUNA), Distt.- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ashok Kumar
For the Opposite Party/s :	Mr.Rabindra Kumar- A.P.P.
	Mr.Saroj Kumar Choudhary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-03-2024 1. Heard learned counsel for the petitioner, learned

counsel for the opposite party no.2 and learned APP for the

State.

2.The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 323, 341, 379 and 498A of the Indian Penal Code

and Sections 3 and 4 of the D. P. Act.

3.The learned counsel appearing on behalf of

opposite party no.2 submits that the opposite party no.2

presently is staying in the house of the petitioner. It is

further submitted that on account of torture and assault for



non-fulfilment of dowry demand, the instant case was instituted and petitioner had instituted Divorce Case No.286 of 2023, which is pending adjudication in the Court of learned Principal Judge, Family Court, Madhubani.

4. The learned counsel appearing on behalf of the petitioner submits that what is not in dispute rather stands admitted in view of the submissions made by the learned counsel appearing on behalf of the opposite party no.2 that opposite party no.2 is residing in the house of the petitioner.

5. It is further submitted that the normal wear and tear of life was considered as torture by the opposite party no.2, which led to the institution of the present false case. It is further submitted that the petitioner out of anger had instituted Divorce Case No.286 of 2023 in the Court of learned Principal Judge, Family Court, Madhubani, when he had no intention of instituting the said case. The learned counsel for the petitioner, based on instruction of the petitioner, submits that he has instructions to make submission that petitioner will withdraw the Divorce Case No.286 of 2023, which is pending in the Court learned



Principal Judge, Family Court, Madhubani, as even the petitioner intends to revive his conjugal relationship.

6. The learned counsel appearing on behalf of the opposite party no.2 thus submits that since petitioner is willing to withdraw the aforesaid divorce case, in that event, he has instruction not to oppose the anticipatory bail application of the petitioner. It is also submitted that the opposite party no.2 shall also withdraw the present criminal case in the event, if the petitioner withdraws the aforesaid divorce case.

7. The learned counsel for the petitioner submits that within a period of two weeks from today, he will file an application before the Court of the learned Principal Judge, Family Court, Madhubani for withdrawing Divorce Case No.286 of 2023.

8. Learned A.P.P. opposes the bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed



to be released on bail on his furnishing bail-bonds in the sum of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Benipatti, Madhubani in connection with C. R. Case No.71 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

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