

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7669 of 2024

Arising Out of PS. Case No.-1858 Year-2022 Thana- COMPLAINT CASE District- Banka

Maharaji Yadav S/O- Baldeo Yadav R/O- Village- Gudra, P.S.- Katoria, Dist.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar, Patna
2. Radhiya Devi D/O- Baidyanath R/O- Village- Pipradih, P.S.- Katoria, Dist.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1858 of 2022 registered for the offence punishable u/s 498 A, 323, 504 of Indian Penal Code.

3. As per the prosecution case, the complainant *Radhiya Devi* was married to the petitioner about 15 years ago. Further, the petitioner is alleged to have contracted second marriage with another lady and the complainant was ousted from the matrimonial home after taking her belongings.

4. Learned counsel for the petitioner has submitted



that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is the husband of the informant/complainant. The petitioner has relied upon the judgment of this Court in the case of "**Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.**" Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr** passed in Criminal Appeal No(s). 2207 of 2023 arising out of **Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like



amount each to the satisfaction of the learned court concerned, Banka, in connection with Complaint Case No. 1858 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with the following conditions :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds are liable to be cancelled.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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