

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5280 of 2025

Arising Out of PS. Case No.-264 Year-2022 Thana- COMPLAINT CASE District- Banka

Shiv Nandan Yadav Son of Basant Yadav Resident of Pesrah, P.S. - Chandan,
District - Banka

... .. Petitioner

Versus

1. The State of Bihar
2. Koshalyia Devi Wife of Shiv Nandan Yadav, Daughter of Kartik Yadav Resident of Village - Pesrah, P.O., P.S. - Chandan, District - Banka, At present address Village - Chhatakurum, P.S. and P.O. - Kotoriya, District - Banka

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Saurabh Kumar, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Complaint Case No.264(C) of 2022, filed for the offences punishable under Sections 498(A), 504, 323 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

3. As per allegation, there is demand of additional dowry and on account of non-fulfillment of the same the Complainant/Wife was subjected to cruelty by the petitioner and his family members.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that there is not even an iota of evidence in support of the alleged offence. He also submits that the maximum punishment for the alleged offence is three years.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka, in connection with Complaint Case No.264(C) of 2022, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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