

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45748 of 2025

Arising Out of PS. Case No.-191 Year-2021 Thana- AANDAR District- Siwan

Hari Shankar Yadav @ Hari Shankar Choudhary S/o Late Lalji Choudhary
R/o vill - Firozpur, P.s.- Aandar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur- Advocate
Mr. Vaishnavi Singh- Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh- A.P.P.
Mr. Sanjay Kumar Pandey- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 498(A), 376, 307, 504, 506 and 34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case. It is next submitted that petitioner, being father in-law, has been falsely implicated in the instant case. It is next submitted that petitioner along with his family members have also been implicated with false allegation. It is submitted that the informant alleges that she was



raped by the petitioner and that too when her mother in-law is alive and stays in the same house where the occurrence is alleged to have been committed.

4. The learned counsel for the petitioner next submits that after marriage, the relationship of the informant with her husband soured to an extent where it was not possible to revive the conjugal relationship, as such, the instant false case came to be instituted alleging that father in-law had raped her. It is next submitted that husband of the informant Vivek Yadav @ Vivek Kumar had approached this Court seeking anticipatory bail by filing Cr. Misc. No.55484 of 2023 and the same was allowed by an order dated 01.04.2024. It is next submitted that in Cr. Misc. No.55484 of 2023, a specific stand was taken on behalf of Vivek Yadav that he intends to divorce the informant by mutual consent, but then, the informant was not willing and ready for the same. The learned counsel thus submits that if what has been alleged in the FIR is a correct fact, in that event, it absolutely does not stand to reason that as to why the informant would want to continue her conjugal relation with her husband when father of her husband is a rapist.

5. The learned counsel for the petitioner submits that had an occurrence of the nature as alleged taken place, in that



event, neither the son of the petitioner or his wife would have supported him. It is next submitted that informant is getting a maintenance of Rs.8,000/- from Vivek Yadav and she is accepting the same also. It is further submitted that the reputation of the petitioner stands tarnished in the society when he is innocent. It is also submitted that charge-sheet has been submitted, as such, no useful purpose would be served by keeping the petitioner behind bar. It is also submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

6. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that husband of the informant wanted to seek divorce from the informant, but then, informant is not ready for the same.

7. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Sub-Divisional Judicial Magistrate, Siwan in connection
with Aandar P. S. Case No.191 of 2021.

8. The application stands allowed.

(Satyavrat Verma, J)

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