

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62465 of 2024

Arising Out of PS. Case No.-2358 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Sunil Yadav S/o- Sri Daroga Yadav @ Raghav Yadav @ Ragho Yadav
Resident of Village- Telkathu PS- MH Nagar Hasanpura, Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Sunil Yadav, D/o- Binda Yadav R/o Village- Aasar Ps-
Chainpur Dist- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Kumar,Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-01-2025 Heard Mr.Rajiv Kumar, learned counsel for the

petitioner and Mr.Nitya Nand Tiwary, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.2358/2023, registered for
the offences punishable under Sections 323,406,498(A),504,506
of IPC and Section 3/4 of Dowry Prohibition Act.

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due to
non-fulfillment of demand of dowry.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely



been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. In fact the petitioner was performed the marriage with the complainant in the year 2012 itself and between the period 2012-2024 no any complaint has been filed and all of a sudden in the year 2024, a false complaint case has been filed against the petitioner.

5. Vide order dated 20.11.2024 the matter was referred to the Learned Mediator for resolving the issue between the parties. Report of the learned Mediator dated 13.12.2024 reveals that the opposite party No.2 (complainant) has died on 08.12.2024.

6. Learned counsel for the complainant/opposite party No.2 submits that the petitioner has three children and he may be directed to look after the children of the complainant/petitioner.

7. Learned counsel for the petitioner has accepted the contention of learned counsel for the complainant/opposite party No.2.

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



9. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Siwan in connection with Complaint Case No.2358/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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