

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69516 of 2024

Arising Out of PS. Case No.-433 Year-2020 Thana- PHULPARAS District- Madhubani

Lalan Kumar Yadav Son of Ram Bilash Yadav Resident of Village - Konar,
P.S. - Phulparas , District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi Wife of Lalan Kumar Yadav Resident of Village - Phulkahi, P.S.
- Phulparas, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 10-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant/opposite party no. 2 and learned APP
for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
494, 498A, 504, 34 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition.

3. Petitioner, who is husband of opposite party no2., is
said to have ousted the opposite party no.2 from her
matrimonial home in association of his family members over the
dowry demand.

4. The prosecution was lodged by the informant, who



is the wife of the petitioner, alleging therein that there was a demand of dowry of Rs 2 lakh and a motorcycle made by all the accused persons and upon refusal to pay the same, she was being abused and assaulted. It further appears from the First Information Report that on 30.07.2020, all the accused persons assaulted the informant and the husband tried to sprinkle kerosene oil on the body to burn her, but the informant managed to escape and went to her parent's house. Learned counsel for the petitioner, submits that the marriage between the parties had taken place in the year 2016, and the present FIR has been lodged after a lapse of four years of the marriage and during this period, there has been no other complaint with regard to any demand of dowry or torture. Learned counsel for the petitioner further submits that all the allegations leveled in the First Information Report with regard to dowry and torture and also sprinkling of kerosene oil, is absolutely false and the petitioner has rather stated in paragraph 13 of his petition that he is ready to keep the informant with full dignity and honor.

5. Learned APP as also the learned counsel was informed opposes the application by stating that the petitioner has performed a second marriage and therefore it is not possible for the wife to stay in the matrimonial household. He also points



out that there are two minor children also staying with the mother.

5. At this stage, the petitioner offers to give Rs.3000/- (Rupees Three Thousand) per month to opposite party no.2 in first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

6. In such view of the matter, let the above named petitioner, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., II, Jhanjharpur, in connection with Phulparas P.S. Case No. 433 of 2020 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

7. Learned counsel for the opposite party no. 2, under instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks from today.If the O.P. No.2 furnishes the bank account in which the amount can be transferred, and yet the



petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, the O.P. No.2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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