

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75476 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Pramod Yadav @ Pramod Premi Yadav son of Prashuram Yadav village- Kalyanpur, Po- Parasrampur, Ps- Sinha, Dist- Bhojpur Made accused as village- Bhelai (Krishna Nagar), Ps- Udwannagar, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi Daughter of Navnath Sharma village- Khurma Kanhauli, Ps- Rudrapur, Dist- Deoria, Up P/A- Bhelali (krishna nagar), Ps- Udwannagar, Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Adv.
For the State	:	Mr. Braj Kishore Pd., APP.
For the O.P. No.2	:	Mr. Bhaskar Shankar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-04-2025 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 314, 323, 498(A), 313/34 of the Indian Penal Code.

3. The allegation made in the FIR would disclose that the petitioner and the informant were in relationship and they also solemnized their marriage. However, after some days, the informant came to know that the petitioner was a married man with children. It is further alleged that the petitioner along with his brother Ashok Yadav and Manager Nishant has also assaulted the informant due to which the miscarriage was caused.



4. Learned counsel for the petitioner denies the fact that the informant is the wife of the petitioner. He further submits that the informant is actually legally wedded wife of one Shiv Kumar and a daughter, namely, Shikha was born out of the wedlock of the informant and her husband Shiv Kumar. To substantiate his submission, learned counsel for the petitioner has placed on record Annexures-P/2 and P/3 series, which are the copy of Voter ID and voter list, etc. Learned counsel for the petitioner further submits that as per allegation, the marriage was solemnized in the year 2015 and the present FIR has come to be lodged on 13.07.2024 despite the fact that the informant has herself admitted in the FIR that she had come to know about the status of the marriage of the petitioner just a few days after the marriage. As regards the allegation of assault upon the informant, the injury report of the informant, as contained in the case diary, would itself go to show that the informant was examined on 15.08.2023, whereas the report of the doctor has been taken on 19.07.2024, which is after the date of the FIR. From the above facts, it appears that the injury report is one year old and the same would indicate that the injuries of the informant are in the nature of swelling, scratch mark and small cut.

5. Learned APP for the State and learned counsel for the



informant opposes the prayer for bail submitting that there is specific and direct allegation against the petitioner. The allegation of assaulting is also levelled against the petitioner under Section 313 of the IPC causing miscarriage to the informant. In response to the same, it has been submitted by learned counsel for the petitioner that during the course of investigation, the said offence under Section 313 of the IPC has not been found true as the injuries are of one year back and only in the nature of swelling, scratch marks and small cut.

6. Having regard to the facts and circumstances of the case, the provisional bail granted to the petitioner vide order dated 14.11.2024 is hereby confirmed subject to the condition as laid down under Section 438 (2) of the Cr.P.C and further condition that the petitioner would cooperate in the investigation/trial.

7. The criminal antecedent of the petitioner as mentioned in para 3 of the bail application shall be verified at the time of confirmation of provisional bail.

(Soni Shrivastava, J)

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