

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49413 of 2023

Arising Out of PS. Case No.-137 Year-2020 Thana- MADHEPURA District- Madhepura

Kundan Kumar Son of Late Gosay Yadav R/O-Madhuban, P.S.-
Madhepura (Bharrahi O.P.), Distt.-Madhepura.

... .. Petitioner

Versus

1. The State of Bihar
2. Gitanjali Devi Wife Of Kundan Kumar D/O- Dev Narayan Yadav,
R/O-Madhuban, P.S.-Madhepura (Bharrahi O.P.), Distt.-Madhepura,
Presently R/O-Mahua, P.S.-Ghailarh, Distt.-Madhepura

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 05-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 137 of 2020 registered for the offences punishable under Sections 341, 323, 498(A), 494, 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is to commit cruelty upon the opposite party no. 2 due to non-fulfillment of additional demand of dowry.



4. Learned counsel appearing on behalf of the petitioner submitted that opposite party no. 2 never joined her matrimonial home with the petitioner and she deserted him. It is further pointed out that O.P. No. 2 solemnized her marriage with another person namely, Hari Shankar Yadav, resident of village – Rasalpur, District – Saharsa. It is submitted that out of said wedlock, she gave birth to a child.

5. Aforesaid submission qua second marriage of opposite party no. 2 with one Hari Shankar Yadav is appearing supported on affidavit by the petitioner.

6. Despite service of notice, non-appeared on behalf of the opposite party no. 2.

7. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, submitted that petitioner is the husband facing specific allegation qua cruelty.

8. Considering the submission of learned counsel for the petitioner as made on affidavit that opposite party no. 2 solemnized marriage with another person and further having one child out of said wedlock by deserting the petitioner, accordingly, above-named petitioner, in the event of his



arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhepura/concerned court in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 137 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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