

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33679 of 2012

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1. Kalyan Choudhary, S/O Rewati Raman Choudhary, Resident of
Mohalla - Vidyapati Nagar, Chakdah, P.S. - Rajnagar, District + Town -
Madhubani

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

20 15-04-2015

Heard learned counsel for the petitioner and

learned counsel for the State as well as learned counsel for the
informant.

This is a petition for grant of regular bail in a case
under Sections 498A and 341 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

The petitioner was ordered to remain on interim bail
by order dated 05.09.2012 in view of submission that the parties
are willing to compromise. However, subsequently, the daughter
of the informant continued to show her willingness to live with
petitioner-husband in matrimonial house but he refused to keep
her.

The learned counsel for the petitioner submits that in
a petition for anticipatory bail neither an order for maintenance
can be ordered nor an order detrimental to petitioner can be made
for which reliance has been made in decision reported in AIR

2009(4) SCC 4. However, the daughter of the informant shows her willingness to live in matrimonial house with her husband.

Hence, the interim bail granted to the petitioner shall continue with condition that the petitioner will allow the daughter of the informant to live in the matrimonial home and the trial court shall confirm the bail bond on being satisfied that the daughter of the informant is allowed to live in the matrimonial home within three months and on being satisfied that the condition is fulfilled shall confirm the bail bond.

Kundan/-

(Gopal Prasad, J.)

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