

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50509 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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1. Amit Choudhary @ Guddu Choudhary Son of Chandrama Choudhary
Resident of village - Maniyechh, P.S. Pawana, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bhojpur Mahila P.S. Case No. 90 of 2015 registered for the offences punishable under Sections 323, 379, 498A/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

Allegedly the petitioner being the husband and other in-laws started demanding dowry by way of cash of Rs. One Lac and due to non-fulfillment, started torturing the informant and further the petitioner kidnapped a girl and was planning to marry with her. The father-in-law after snatching the ornaments, has ousted the informant from in-laws house.

Submission is of false implication and that as a matter

of fact, the wife of the petitioner does not want to live with the petitioner. The petitioner never demanded any thing and, as such, no offence as alleged is made out, the petitioner is not named in F.I.R. in Jharia (Boragarh) P.S. Case No. 42 of 2015 and, as such, allegation for kidnapping a girl appears to be not tenable. The petitioner is suffering in custody since 03.09.2015 and, as such, he deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner tortured his wife for non-fulfillment of demand of dowry and further brought a girl after kidnapping to marry with her and in that case production warrant has been issued against the petitioner.

In the facts and circumstances stated above, considering that in the present case, there is no injury to the informant and, as such, considering the detention of the petitioner, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M., Bhojpur, Ara arising out of Bhojpur Mahila P.S. Case No. 90 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial

jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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