

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28855 of 2016

Arising out of P.S. Case No. -1113 Year- 2014 Thana -BUXAR
COMPLAINT CASE District- BUXAR

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1. SUKHLAL CHOUDHARY @ SUDHLAL CHOUDHARY @ SONLAL CHOUDHARY @ SONLAL S/o Ghurul Choudhary.
 2. Ghurul Choudhary S/o Dhali Choudhary.
 3. Chandrawati Devi, W/o Ghurul Choudhary, All are Resident of Village- Dudha Ghat, Police Station- Sahpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ansu Devi, Wife of Sukhlal Choudhary @ Sukhlal Choudhary @ Sonlal Choudhary and Daughter of Lalan Choudhary Resident of Village- Arak (Bin Toli), Police Station- Krishna Brahm, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Adv.

For the Opposite Party/s: Mr. Sri Umeshnand Pandit, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02. 26.07.2016

Heard learned counsel for the Petitioners and the State.

The petitioner no. 1 being the husband of the complainant and the petitioners No. 2 & 3 being the parents of petitioner no. 1 are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498(A) and 406/34 of the Indian Penal Code and Sections 3/4 of D.P. Act.

The basic accusation is of torture for non-fulfilment of the dowry demand.

It is submitted by learned counsel for the petitioners that petitioner No. 1 admits his marriage with the complainant and e is ready to keep the complainant as wife with full dignity and honour and has not performed the second marriage. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:-

“That the petitioner No. 1 (husband) is ready to keep her wife with honour and dignity. He has not made another marriage till today.”

Considering the present stand of the petitioner, let the petitioner No. 1, Sukhlal Choudhary @ Sudhlal Choudhary @ Sonlal be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 1113(C) of 2014/2254(Tr.) 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant on her appearance the petitioner no. 1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of petitioner no. 1 will be confirmed by the learned court below in three eventualities:-(i)

on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

Considering the present stand of petitioner no. 1 and thrust of accusation against petitioner no. 1, let the above named petitioners No. 2 and 3 be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 1113(C) of 2014/2254(Tr.) 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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