

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12311 of 2016**

Arising Out of PS.Case No. -1 Year- 2016 Thana -RAJPUR District- BUXAR

Butan Choudhary, S/o Late Bhajan Choudhary, resident of village- Sarenja,  
P.S.- Rajpur, District- Buxar

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Seema Devi, W/o Butan Choudhary, D/o Bijendra Choudhary, resident  
of village- Sarenja, P.S.-Rajpur, District- Buxar, at present village-  
Kochas, P.S.- Kochas, District- Rohtas

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

2      31-03-2016                      Heard learned counsel for the petitioner and the  
State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the informant. The petitioner has filed Matrimonial Suit No. 102 of 2013 for restitution of conjugal life and ready to

keep the informant as wife with full dignity and honour. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That the petitioner is always ready to keep the informant namely Seema Devi but she is not willing to lead a peaceful matrimonial life reasons best known to her.”

Similar was the stand of the petitioner before the learned court below, but the informant refused to accept the offer. The informant has earlier filed Complaint Case No. 637 of 2013 levelling accusation under Section 498A of the Indian Penal Code wherein he has been granted bail.

Considering the aforesaid facts, let the above named petitioner be released on bail 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Buxar in connection with Rajpur P.S. Case No. 01 of 2016, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The grant of bail to the petitioner will not preclude the informant to resume the conjugal life. If such an application is filed before the learned court below, then the

petitioner will be obliged to take the informant to keep his wife  
with full dignity and honour.



P.K./-

**(Dinesh Kumar Singh, J)**