

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31789 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -RAJNAGAR District- MADHUBANI

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1. Pramod Kumar Chaudhary, Son of Satya Narayan Chaudhary, resident of Village- Balha, P.S. Raj Nagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bavita Devi, Wife of Pramod Kumar Chaudhary, D/o Ram Parikshan Yadav, resident of Village- Balha, P.S. Raj Nagar, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr. Sri Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 31-08-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Rajnagar Police Station Case No. 215 of 2016, disclosing offences under Sections 498(A) and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is general and omnibus allegation against this petitioner and no specific overt act is attributed to him. In fact, the petitioner has never demanded any dowry nor gave any mental or physical torture to the informant's daughter. As a matter of fact, daughter of the informant having illicit relation with one Dinesh Yadav, therefore, she does not want to reside with the petitioner and for that, the petitioner has already filed a divorce



case being Matrimonial Suit No. 100 of 2010 and subsequently on a comprise, the said case has been dropped. Thereafter, wife of the petitioner gave birth to a child but from the DNA report, probability of paternity of petitioner found to be of 0%, which is evident from annexure-3. Thereafter, the petitioner filed Matrimonial Suit No. 50 of 2016 for dissolution of marriage, which is evident from annexure-4 and in reply thereof the informant has filed the false and frivolous case against the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani, in connection with Rajnagar Police Station Case No. 215 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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