

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37007 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -CHANDAULI District- GAYA

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Babloo Chaudhary, Son of- Late Bhusi Chaudhary, Resident of Village-
Neyazipur, P.S.- Chandauti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi, Wife of Babloo Chaudhary, daughter of Chando Chaudhary, Resident of Village- Neyazipur, P.S.- Chandauti, District- Gaya, At present residing at village- Bastibigha, P.S.- Hisua, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the State : Mr. J. N. Thakur, APP

For the informant : Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 24-04-2017 Heard learned counsel for the petitioner, informant
and the State.

The petitioner, being the husband of the informant, apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323 and 325/34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and making assault.

It has been submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and earlier also the informant lodged two cases of



similar accusation, one as Complaint Case No. 184 of 2013 wherein process has been directed to be issued after cognizance being taken under Sections 498A of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act against the petitioner wherein the petitioner has been acquitted on the basis of compromise. The second case is Chandauti P.S. Case No. 304 of 2012 registered under Sections 498A of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act wherein on the readiness of the petitioner to keep the informant as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail vide Cr. Misc. No. 21480 of 2016, though the petitioner is the second husband of the informant. The petitioner has filed Matrimonial Suit No. 298/2012 with a prayer for divorce when the petitioner came to know about the earlier marriage of the informant, but the same has been dismissed on the basis of compromise. It is further submitted by learned counsel for the petitioner that the efforts are being made to resolve the issue and the reconciliation is at the advance stage.

It is submitted by learned counsel for the informant that the informant is always ready to settle the issue. If the petitioner is ready to resolve the issue, then he may be released on provisional anticipatory bail till the issue is being resolved.



Under the circumstances, let the above named petitioner be released on anticipatory bail provisionally for four months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya, in connection with Chandauti P.S. Case No.51/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below, if an application showing resolution of the issue either in terms of compromise or parting ways will be filed with joint signature of both the parties, otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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