

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27716 of 2016

Arising Out of PS.Case No. -994 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Amit Chaudhary Son of Ramesh Chandra Chaudhary Resident of Mohalla-
Daulatram Chawk Katihar , PS Katihar Town, district Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Neha Garodiya Wife of Amit Chaudhary, Daughter of Shrawan
Kumar Garodiya Resident of Mohalla- Gullobara, PS Darbanga town,
District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

09/ 30-03-2017 Heard learned counsel for the petitioner,
complainant-opposite party no.2 and the State. .

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The prosecution case as per the complaint petition that the complainant Neha Garodiya was married with the petitioner Amit Chaudhary on 11th July, 2013 and few months the complainant was treated well by her in-laws and



thereafter dowry demand for purchase of a flat and Scorpio vehicle was made and the torture was inflicted and thereafter the parents of the complainant gave rupees fifteen lakhs to the petitioner, even thereafter the torture continued. The petitioner alleged to have made an attempt to kill the complainant at Gaziabad, Delhi and Kathmandu. The husband of the complainant married with one Madhulina. The elder brother of the petitioner namely, Sanjay also tried to outrage the modesty of the complainant. On 1st May, 2015 all the accused persons after snatching belongings of the complainant drove her out from the matrimonial house and on 28.05.2015 the father-in-law of the complainant threatened the father of the complainant not to lodge any criminal case against them.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue and still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 21 of the petition which reads as follows:-

“That the complainant herself appeared in the court below and she flatly refused to lead the conjugal life with the petitioner, but the learned Sessions Judge did not bother to mention the said fact in the impugned order, rather the petitioner is always ready to keep



the complainant with full honour and dignity if she want to restore the matrimonial harmony with the petitioner.”

It is further submitted by learned counsel for the petitioner that similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner and the maintenance case filed by the complainant has already been dismissed. Though, it is submitted that the complainant is employed, but the petitioner, in alternative, is ready to make payment of Rs.2,000/- per month from May, 2017 to the complainant by depositing the same in her bank account by second week of every succeeding month.

Counsel for the complainant submits that the complainant, at present, is not employed though she was working earlier. The complainant is not ready to accept the offer of the petitioner of resuming conjugal life since the petitioner has married with Madhulina and reside with her. However, the complainant is ready to accept the offer of monthly payment and undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks. In the circumstances, the counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner.



Considering the rival submissions of the parties in view of the allegations and counter allegations levelled by the parties, the matter being adjourned since several months to allow the parties to resolve the issue but it appears that, at present, issue is not likely to be resolved. Admittedly the accusation of performing second marriage is levelled in the complaint petition but it is submitted that the cognizance has not been taken under Section 494 of the IPC.

Considering the present stand of the parties in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on anticipatory 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Darbhanga in connection with C.R. No. 994 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.



Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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