

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51118 of 2017

Arising Out of PS.Case No. -313 Year- 2016 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Rakesh Choudhary @ Rakesh Kumar Choudhary Son of Umesh Chandra
Choudhary resident of Village - Gauripur, P.S. Bihpur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Lovely Kumari W/o Rakesh Kumar Choudhary, D/o Shankar Roy
resident of village Jhandapur, P.S. Bihpur, District Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 28-03-2018

Heard the learned counsels for the parties.

The petitioner seeks anticipatory bail in connection
with Complaint Case no. 313 of 2016 registered for the offences
punishable under Sections 498 'A', 406 of the Indian Penal Code
and Section 4 of the Dowry Prohibition Act.

The cheques of Rs. 4 lakhs, which were earlier handed
over to the Opposite Party No.2, who had appeared in person, are
reported to have been encashed by the Opposite party no.2. In
aforesaid view of the matter as also the fact that the matter has
been amicably settled between the petitioner and the Opposite
Party No.2, on payment of Rs. 4 lakhs, it is submitted by the
learned counsel for the Opposite party No.2 that no further dispute
remains amongst the husband and wife, hence all the cases, which



are pending, are required to be put a quietus for which the learned counsel for the respective parties submits that their respective clients shall take appropriate action in order to put an end to the said proceedings, which are pending before the respective courts by way of a complaint case, maintenance case and a case for restitution of conjugal rights. The learned counsel for the parties further submit that their respective clients would be taking steps for grant of divorce by mutual consent.

In view of the aforesaid, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Naugachiya (Bhagalpur) in connection with Complaint case no. 313 of 2016, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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