

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6346 of 2018

Arising Out of PS.Case No. -880 Year- 2017 Thana -BIHTA District- PATNA

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Umeshwar Chaudhary, S/o- Late Satya Narayan Chaudhary, resident of
Village- Samastu, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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

ORAL ORDER

02/ 01-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 312 and 506/34 of the Indian Penal Code.

The prosecution case got initiated with the written report dated 01.11.2017 submitted by Neha Devi to the Station House Officer of Bihta Police Station is to the effect that the marriage of the informant with the petitioner was performed in 2001. The matrimonial relationship was cordial for 9 to 10 years. Thereafter, torture was inflicted, twice the pregnancy got terminated due to the assault. Few days prior to the lodging of



the written report the informant was reached by the petitioner to her parents' house with promise to take her to the matrimonial house after two months. The petitioner never returned. When the informant along with her mother went to her in-laws the petitioner and his brother assaulted the informant and her mother. It is also claimed by the informant that the petitioner wants to perform second marriage.

It is submitted by learned counsel for the petitioner that after 17 years of the marriage the accusation has been levelled. The petitioner has filed Matrimonial Suit No. 1043 of 2017 with a prayer for dissolution of marriage on the ground of desertion and cruelty on 22.09.2017 before learned Principal Judge, Family Court, Patna. Earlier also the petitioner filed Informatory Petition No. 999 of 2014 before learned ACJM, Danapur on 15.07.2014 raising apprehension against the informant, thereafter the present FIR was lodged on 01.11.2017. There is no medical opinion with regard to the termination of pregnancy and there is no injury report which suggests the accusation of assault.

Considering the nature of accusation after one and half decade of the marriage coupled with the filing of the matrimonial suit and informatory petition at earlier point of



time, let the above named petitioner be released on anticipatory bail, in the event of 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 ACJM-I, Danapur, Patna in connection with Bihta P.S. Case No. 880 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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