

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 56943 of 2017

Arising Out of Complaint Case No. -1671 Year- 2011 Thana -GAYA COMPLAINT CASE District-
GAYA

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Sarju Chaudhary, Son of Late Ramswaroop Chaudhary, Resident of Village- Bhore,
P.S.- Mufassil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani @ Sapna Devi, Wife of Sarju Chaudhary, Daughter of Kailash Chaudhary,
Resident of Village- Rupaspur, P.S.- Biniyadganj, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Bhanu Pratap Singh, A.P.P.
For the Informant	:	Mr. Vinod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-03-2018

Heard learned counsel for the petitioner; State and the
opposite party no. 2.

2. The petitioner seeks bail in Complaint Case No.
1671 of 2011 instituted under Sections 147 /148 /149 /323 /341 379/
498A, in which cognizance has been taken under Section 498A of
the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The petitioner has not been able to show any fresh
ground to the Court with regard to any subsequent circumstances to
justify grant of bail to him. His only prayer was that as the petitioner
has completed almost half the sentence, it would be allowed bail.

4. In view of the fact that the Court, at the first instance,



in Cr. Misc. No. 21266 of 2014 on 11.06.2014 had granted provisional bail to the petitioner on the categorical stand taken that he was ready to keep the opposite party no. 2 peacefully. Thereafter, the petitioner had filed modification petition i.e., Cr. Misc. No. 27992 of 2014 for extending the date and executing a bond before the Court, which was also allowed on 04.07.2014. Subsequently, the petitioner again filed Cr. Misc. No. 41830 of 2016 for further modification of the order dated 11.06.2014 passed in Cr. Misc. No. 21266 of 2014, for permitting him not to execute any bond and live with the opposite party no. 2. The Court did not find the ground to be just and accordingly, the prayer was rejected. Now the petitioner has filed a fresh petition seeking bail on the ground that the opposite party no. 2 has solemnized second marriage with one Krishna Prasad.

5. Upon perusal of the records, it transpires that the opposite party no. 2 had stated in her statement before the Court under Section 164 of the Code of Criminal Procedure, 1973 that some persons had forcibly taken her to Kota, Rajasthan where she was forcibly married to Krishna Prasad. Such stand was noticed by the Court in its very first order dated 11.06.2014 in Cr. Misc. No. 21266 of 2014 and still at that time, as the stand taken by the petitioner was that he was ready to keep the opposite party no. 2



with him, provisional bail was granted.

6. Keeping the aforesaid facts also in mind, the Court has no hesitation to record that the petitioner is trying to play games with the Court and has been taking false pleas with the sole purpose of somehow getting bail in the present case. The Court finds that such conduct is clearly lacking *bona fide*. The charges being supported by the statement of the opposite party no. 2 before the Court in the complaint case and also by the witnesses, the Court is not inclined to enlarge the petitioner on bail. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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