

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36761 of 2018

Arising Out of PS. Case No.-109 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Arvind Choudhary, Son of Moti Choudhary, Resident of Village- Mola Bigha,
Police Station- Tilothu, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nisha Devi, Wife of Arvind Choudhary, Resident of Village- Sisrit Tole, P.S.-
Nokha, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-10-2018 Heard learned counsels for the parties.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case, as per the complainant/ O.P. No. 2, Nisha Devi, is that she was married with the petitioner on 04.04.2015, but subsequently torture was inflicted upon her, due to non-fulfillment of dowry demands.

On submissions made by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and



that the complainant filed Matrimonial Case No. 28 of 2017 with a prayer for divorce, but the petitioner is still ready to keep her as wife with full dignity and honour and statement to that effect being made in paragraph 8 of the petition, notices were issued to O.P. No. 2 vide order dated 28.06.2018.

Learned counsel for the complainant submits that the complainant has performed second marriage and hence now there is no question of resuming the conjugal life.

In the circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sasaram in connection with Complaint Case No. 109 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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