

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38151 of 2018

Arising Out of PS. Case No.-54 Year-2017 Thana- MAHILA P.S. District- Bhojpur

Mantu Choudhary, Son of Raju Chaudhary, R/o Village Chandhose, P.S.
Sigori, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-11-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 379/34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the informant Kumari Sandhya, is to the effect that th marriage of the informant was performed with the petitioner but subsequently she was tortured due to non-fulfillment of further dowry demand of a motorcycle and a gold chain and ultimately she was driven out from her matrimonial house on 4.5.2017.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is



ready to keep her as wife with full dignity and honour, statement to that effect has been made in paragraph no. 7 of the petition, which reads as follows:

“That petitioner is husband and always ready to keep his wife with full honour and dignity.”

Though the learned Additional Sessions Judge after going through the case diary has recorded that during investigation it has transpired that the petitioner has performed second marriage, but statement has been made by the petitioner in paragraph 10 of the petition that the petitioner has not performed second marriage which reads as follows:

“That the petitioner has never solemnized second marriage nothing has been come against the petitioner in the whole case diary.”

On the above submissions made by learned counsel for the petitioner, this Court vide order dated 2.7.2018, issued notice to O.P. No. 2.

It appears from the office note dated 19.9.2018 that O.P. No. 2 after receiving ordinary and registered cover notice, refused to give receipt of notice. Hence, vide order dated 20.9.2018 the notice issued to O.P. No. 2 has been directed to be treated as deemed valid service. Thereafter, the matter was



adjourned for 6.10.2018 but on that date also none appeared on behalf of O.P. No. 2, then the matter was adjourned vide order dated 6.10.2018 for today, but none appears for the O.P. No. 2.

Considering the fact O.P. No. 2 chose not to appear after receiving notice, 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, Bhojpur at Ara in connection with Mahila P.S. Case No.54 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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