

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41783 of 2019

Arising Out of PS. Case No.-66 Year-2018 Thana- MAHILA PS District- Buxar

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MUKESH KUMAR CHOUDHARY @ MUKESH CHOUDHARY Son of Jai
Prakash Choudhary Resident of Village - Salempur, P.O. - Dumaigarh, P.s.-
Manjhi, Dist.- Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Choubey
For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-11-2019 Heard both sides.

The petitioner apprehends his arrest in Buxar (Mahila)

P.S. case No. 66 of 2018 registered under Section 341, 323, 504,

506, 406, 498A/34 of the IPC and u/s 3/4 of Dowry Prohibition

Act.

The informant is wife of the petitioner. The informant

in sum and substance alleged that she was married with the

petitioner on 20.11.2017 and went to her Sasural but her

husband and all other in-laws subjected her to physical and

mental torture only because her father could not be able to give

motor cycle and Rs. Two lakhs in dowry. She also disclosed that

she gave Rs. 50,000/- to her in-laws.

The learned counsel for the petitioner submits that

nine persons have been made accused in the case. The petitioner



is, of course, the husband of informant but the informant did not make any specific allegation against the petitioner. All the allegations are false and concocted. The informant filed this case only because she does not want to live with her husband. Prior to institution of the present case the petitioner filed Matrimonial Suit No. 136 of 2018 for restitution of conjugal rights and when the informant got knowledge about the institution of the suit she lodged this case. It is further submitted that the case was sent to mediation center for reconciliation but the informant is not willing to restore conjugal relation.

The learned counsel for the informant as well as the learned APP opposed the prayer for anticipatory bail. The learned counsel for the informant submits that petitioner is husband and it was he who has to maintain his wife. The petitioner is responsible for keeping his wife with all honour and dignity but when the learned counsel for the informant is called upon whether the informant is ready to live with her husband, who is willing to keep her with all honour and dignity, the learned counsel for the informant submits that the informant is not willing to restore conjugal relation.

It appears from the FIR itself that informant/ wife of the petitioner named nine persons including the petitioner in the



FIR and made omnibus and general allegation of demand of dowry and torture against all the accused persons but the other accused persons have already been granted anticipatory bail. The petitioner is very much willing to keep his wife with all honour and dignity but the wife appears to be reluctant to restore conjugal relation with petitioner and she wanted to part with her husband.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S. case No. 66 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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