

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46937 of 2019

Arising Out of PS. Case No.-413 Year-2015 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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SATISH KUMAR CHOUDHARY @ SATISH CHOUDHARY @ MUNNU CHOUDHARY @ MUNNA CHOUDHARY Son of Shiv Kumar Choudhary Resident of Village- Bachari, Anchal Jagdishpur, P.S.- Dhangai, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Kumar Pandey Son of Sri Ram Pandey
3. Shanti Devi Daughter of Ram Kumar Pandey. Both residents of Village- Uttardaha, P.S.-Tiyar, District- Bhojpur. At present residing at Mohalla- Jagdeo Nagar Gali No.2, P.S.- Ara Nawada, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 24-10-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No.413(C) of 2015 registered for the offences punishable under Sections 498(A)/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

In this case, earlier notice was issued to opposite party Nos.2 and 3 and the office report discloses that the service report of ordinary notice upon opposite party Nos.2 and 3 received with process servers' report that the aforesaid are out of station. Hence, notice hung on the north side of the house.

As per complaint petition, there is allegation of



demand of Rs.1,00,000/- (Rupees One Lac) and a motorcycle and for that the wife of the petitioner-opposite party No.2 was subjected to cruelty and torture.

Submission of learned counsel for the petitioner is that the allegation is false and concocted and he is ready to keep his wife with dignity and care and that he has stated on oath. Further submission is that no specific allegation has been attributed against the petitioner.

Heard learned A.P.P. also. As stated above, no one appears on behalf of opposite party Nos.2 and 3.

In such view of the matter, this application is disposed of with a direction to the petitioner to surrender before the learned court below within a period of three weeks' from the date of receipt/production of copy of this order. On surrender, he will be released on provisional bail for six months to the satisfaction of the learned court below. During that period, the court below shall issue notice to the informant and to the wife of the petitioner and once they appear and after hearing them and also considering the conduct of both the parties, especially the conduct of the petitioner, the court below shall either confirm the bail bond of the petitioner or pass any other order/orders which may deem fit and proper, including cancelling the bail



bond of the petitioner.

It is made clear that despite issuing notice, if the complainant or his daughter do not appear or the daughter does not choose to reside with the petitioner without any sufficient reason, the learned court below shall confirm the provisional bail of the petitioner.

(Vinod Kumar Sinha, J)

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