

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52554 of 2019**

Arising Out of PS. Case No.-17 Year-2018 Thana- MAHILA PS District-
Jehanabad

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DIPANKER CHAUDHARY, aged about 35 years, male, Son of Meghnath Choudhary Resident of Village - Kantapukar, P.O and P.S.- Mogra, Dist.- Hooghly Pin Code- 712148, West Bengal.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Sudha Choudhary W/o Dipankar Choudhary, D/o Dular Chand Choudhary Resident of Village and P.O - Kurtha, Dist.- Arwal.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Daya Shanker Prasad, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 323, 379, 504, 498(A), 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act registered in connection with Arwal Mahila P.S. Case No. 17 of 2018.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact the informant herself left the matrimonial house on 02.05.2007, soon after the parties were married on 02.06.2006. The petitioner made attempts to bring her back but she chose to stay away for months together with her paramour and she did not return after the year 2007. The present F.I.R. has been lodged in retaliation to Matrimonial Case No. 245 of 2018 filed by the petitioner on 30.08.2018 but in any event the petitioner expresses his readiness even now to keep the



informant with due dignity and honour. This is the first such complaint of its nature filed by the informant since the parties were married more than a decade ago. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Arwal in connection with Arwal (Mahila) P.S. Case No. 17 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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