

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70306 of 2019

Arising Out of PS. Case No.-44 Year-2018 Thana- MAHILA P.S. District- Saharsa

MAHADEO CHOUDHARY @ MAHADEV CHOUDHARY @ MAHADEV KUMAR CHOUDHARY Son of Sri Ganga Prasad Choudhary Resident of Mohalla - Gangjala ward No. - 16 Saharsa, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nisha Kumari Wife of Mahadeo Choudhary @ Mahadev Choudhary @ Mahadev Kumar Choudhary D/O Vijay Bhagat, Resident of Mohalla - Gangjala ward No. - 16 , P.S.- Saharsa Sadar, District - Saharsa. at present resident of village - Mahua Bazar, P.O. Mahua Bazar, P.S.- Basnahi, District - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-11-2019 Petitioner seeks bail in anticipation of his arrest in connection with Saharsa Mahila P.S. Case No. 44 of 2018 registered for the offences punishable under Sections 498A, 323, 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

As per FIR petitioner happens to be husband of the informant and there is allegation against the accused persons, including the petitioner that they demanded Rs.5 lac and for that they have assaulted the informant, due to which she sustained injuries.

Submission of learned counsel for the petitioner is that FIR itself disclosed that specific allegation is against



brother, mother and other accused persons and in last portion of FIR name of petitioner has also been inserted. Further submission is that marriage of the petitioner was forcibly solemnized with the informant, for that he has filed a criminal case also, which will appear from Annexure-2 and for declaring the marriage as null and void he has filed a matrimonial case before the family court.

Heard learned APP also.

In view of above facts and circumstances, let petitioner, in the event of arrest or surrender, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Saharsa, in connection with Saharsa Mahila P.S. Case No. 44 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the court concerned.

(Vinod Kumar Sinha, J)

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