

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19754 of 2019

Arising Out of Complaint Case No.-106 Year-2017 Thana- KHAGARIA District- Khagaria

Shankar Chaudhary Son of Late Ramashray Chaudhary Resident of Village - Chakla Sadipur, Chowk, P.O.- Halai, P.S.- Tajpur, Distt.- Samastipur., At Present posted as CRPF Bhopal.

... .. Petitioner

Versus

1. The State Of Bihar
2. Reshmi Kumari Wife of Shankar Chaudhary Resident of Village - Chakla Sadipur, Chowk, P.O.- Halai, P.S.- Tajpur, Distt.- Samastipur., presently D/o Jawaharlal Chaudhary, Resident at ward No.14 near Bijli Power House, P.S.- Chitragupt Nagar, Distt.- Khagaria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Ram Sumiran Rai, Advocate
For the State	:	Mr.Ram Sevak Choudhary, APP
For OP No.2	:	Mr. Dronacharya, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

11 23-06-2020 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for opposite party no.2 via video conferencing.

The petitioner seeks pre-arrest bail in connection with Complaint Case No.106 C of 2017 in which cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner contended that there



is no truth behind the allegation of subjecting the complainant to cruelty for non-fulfillment of demand of dowry. He contended that the petitioner is a constable in the Central Reserve Police Force. His service is transferrable from one place to another. He is always willing to keep his wife with full dignity and honour, but due to difficulties of the service condition, the complainant-opposite party no. 2 is not able to adjust with the petitioner. According to him, matrimonial discord and incompatibility has led to institution of the present complaint. Although, repeated efforts were made by the petitioner to take his wife along with himself and the matter was even sent to Patna High Court Mediation Centre, but due to the rigid approach of the complainant, the dispute between the parties could not be resolved through the process of mediation.

Per contra, learned counsel appearing for complainant/opposite party no. 2 submitted that the complainant is willing to live in her matrimonial home subject to the condition that she is not subjected to cruelty any more. He further contended that the father of the complainant is critically ill and is undertaking treatment. Hence, the complainant is not finding herself able to join the matrimonial home as she is the only person to look after her father, who is suffering from



cancer.

Regard being had to the nature of the offence, submissions advanced on behalf of the parties and the pleadings made in the application, the petitioner named above is directed to be released on bail, in the event of arrest or surrender before the court below, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Khagaria in Complaint Case No.106 C of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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