

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20860 of 2020**

Arising Out of PS. Case No.-64 Year-2019 Thana- TISIAUTA District- Vaishali

Rajnish Kumar Chaudhary S/O Sarvesh Chaudhary Resident of Village -  
Madhopur, P.S. - Vaishali, Belsar O.P., District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suruchi Chaudhary W/O Rajnish Kumar Chaudhary D/O- Madan Chaudhary, Resident of Village - Dabhaich, P.S. - Tisiauta, District - Vaishali.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.Pushpa Sinha.1

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      15-07-2020                      The Court proceeding has been conducted  
  
through virtual mode.

Since the physical court proceeding is non-functional due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioner is directed to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects within the undertaken period, the office shall place the matter before the bench.



Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner, being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A/34 of the Indian Penal Code, 1860 and Section 3 /4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Suruchi Chaudhary submitted to the SHO, Tisiauta Police Station is to the effect that informant was married with the petitioner on 30.04.2014 but subsequent to the marriage, further dowry demand of rupees ten lakhs and a bullet motorcycle was made and for non-fulfillment of the same, torture was inflicted. Subsequently, they were blessed with a female child against the wishes of her husband. An attempt on the life of the informant was also made.

Learned counsel for the petitioner submits that petitioner is ready to keep the informant as wife with full



dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as under:-

“.That, the petitioner being a responsible husband is ready to keep and maintain his wife with dignity and honour, safety and security.”

Similar was the stand of the petitioner before learned Court below.

Learned counsel for the State submits that thrust of accusation is against the husband of the informant.

Considering the present stand of the petitioner as quoted above, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 64 of 2019.

Let the learned Court below issue notice to the



informant for her appearance. On her appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within six months in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned Court below, or (iii) if the informant gets reluctant to reconcile the issue, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate,  
Vaishali at Hajipur in connection with Tisiauta P.S. Case  
No. 64 of 2019, subject to the conditions as laid down  
under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to  
further extend the period of provisional anticipatory bail  
if the court proceeding in physical mode will not resume  
in next six months.

Accordingly, the application stands disposed of.

**(Dinesh Kumar Singh, J)**

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