

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24395 of 2020

Arising Out of PS. Case No.-313 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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AMARJEET CHOUDHARY @ AMARJEET KUMAR Son of Soni
Choudhary Resident of Village - Rustamganj, P.S.-Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Devi W/o Amarjeet Choudhary, D/o Lalan Chaudhary Resident of
Village - and P.S.- Rupaspur, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvan Kumar, Advocate
For the Opposite party No.2	:	Mr. Ashok Kumar Sinha, Advocate
For the State	:	Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-09-2020 Heard Mr. Sarwan Kumar, learned counsel for the

petitioner, Mr. Ashok Kumar Sinha, learned counsel for the

complainant/opposite party No.2 and Mr. Dinesh Singh, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner seeks regular bail in connection with

Complaint Case No. 313(C) of 2018 registered for the offence

punishable under Section 498(A) of the Indian Penal Code 1860

and Sections 3/4 of Dowry Prohibition Act.

The allegation against the petitioner is that he

subjected the complainant to cruelty and ousted her from the

house for non-fulfillment of demand of dowry of Rs.1,00,000/-



cash and also tortured the complainant mentally and physically for the same.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive. Learned counsel further submits that the petitioner has filed a Divorce Case earlier against the complainant being Matrimonial Case No. 968 of 2017 on 6.9.2017 on the ground of adultery and the present complaint has been filed as a counter blast to the matrimonial case filed by the petitioner.

Learned counsel for the informant, on the other hand, opposes the prayer for regular bail and referring to Annexure-1 submits that earlier the petitioner had filed an application in this Hon'ble Court for grant of anticipatory bail vide Cr. Misc. No. 49195 of 2019 and this Court after taking into consideration the facts of the case, passed following order:-

“Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 313(C) of 2018 registered for the offences punishable under Sections 498A, 379, 504, 506/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Allegation against the petitioner, who happens to be husband of the complainant, is that he subjected the complainant to cruelty and ousted her from the house for non-fulfilment of demand of Rs.1 lac.



Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her with dignity and care. On the other hand, learned counsel for opposite party No.2 has submitted that she is ready to reside with the petitioner if she is allowed to live with dignity and care and petitioner has filed a divorce case against her on the ground of adultery. However, learned counsel for the petitioner undertakes that once both the parties started residing together he will withdraw the divorce case.

Heard learned APP also.

In view of above facts and circumstances, this application is disposed of with direction to the petitioner to surrender in the court below on 15.11.2019, on that day opposite party No.2 shall also remain present in the court and on appearance of both the parties and on filing an affidavit by the petitioner that he will keep her with him with dignity and care and he will take her from the court itself and he will withdraw the divorce case filed against opposite party No.2 when they started residing together, the court below shall release the petitioner on provisional bail on the condition that both the parties have to appear in the court in third week of every month, so that the court may watch their conduct and once the court is satisfied with their conduct, specially the petitioner, the



court below shall confirmed the bail bonds of the petitioner, otherwise the court is free to pass any other order(s) as it may deem fit and proper, including cancellation of bail bonds of the petitioner. It is also made clear that once both the parties started residing together, the petitioner shall withdraw the divorce case filed against opposite party No.2”.

Learned counsel for the informant further submits that the petitioner did not surrender before the court below on 15.11.2019 and also he did not comply the aforesaid order. Learned counsel also submits that a daughter is born out of the wedlock between the petitioner and complainant and she is ready and willing to reside with the petitioner, but he in order to harass the complainant and her daughter, tortured her mentally and did not take steps for resolving the matter amicably in pursuance of the direction of this Hon'ble Court passed in Cr. Misc. 49145 of 2019 and concocted a story of adultery against the complainant in his divorce petition.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am not inclined to grant regular bail to the petitioner at this stage.

The prayer for regular bail of the petitioner stands rejected.



However, the petitioner may renew his prayer for bail
after six months.

(Anil Kumar Sinha, J)

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