

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35427 of 2019

Arising Out of PS. Case No.-301 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Sanjay Chaudhary Son of Satan Chaudhary Resident of Village - Puraina Gosain, P.S.- Chanpatia, District- West Champaran
 2. Sattan Chaudhary @ Satan Choudhary Son of Late Harihar Chaudhary Resident of Village - Puraina Gosain, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gudiya Devi Wife of Sanjay Chaudhary, D/O - Umesh Chaudhary Resident of Village - San Saraiya, P.S.- Bettiah Muffasil, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-02-2020 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in **Complaint Case No. 301 of 2018**, registered for the offence punishable under Section 498(A)/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

It is alleged that the marriage of complainant was solemnized with the Sanjay Chaudhary petitioner No. 1 in the year 2016. After marriage, petitioners used to torture the complainant mentally and physically and ultimately ousted her



from her matrimonial home.

It is submitted by learned counsel for the petitioners that petitioner no. 1 is husband and petitioner no. 2 is father-in-law. Notices were issued to the Opposite Party No.2, but in spite of valid service of notice, no one appears on behalf of Complainant/Opposite Party No. 2. Petitioner No. 1 has already filed a matrimonial case for restitution of conjugal rights. Petitioner No. 1 is ready to keep the complainant/O.P. No. 2 with full dignity and honour.

Considering the facts aforesaid and the fact that petitioner (husband) is ready to keep his wife with full dignity and honour and in spite of several notices complainant did not appear before the court, the petitioners above-named in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 301 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further



conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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