

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82772 of 2019

Arising Out of PS. Case No.-457 Year-2017 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Sapendra Chaudhary @ Sapendar Chaudhry (Male) aged about 35 years Son
of Late Soh Rai Chaudhary Resident of Village Aganoor, P.S. Kaler, Distt.
Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi wife of Sapendra Chaudhary r/o village Aganoor, P.S. Kaler,
Distt. Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar
For the Opposite Party/s : Mrs. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing for the complainant.

The petitioner apprehends his arrest in connection
with Complaint Case No. 457 of 2017 in which cognizance has
been taken under Section 498(A), 323, 324, 504, 506 of the
Indian Penal Code, 1860.

The allegation against the petitioner in the complaint
is that the complainant was married with one Upendra
Chaudhary and out of the said wed lock one son was born,
however, the husband of the complainant Upendra Chaudhary
died. It has further been alleged that after the death of Upendra
Chaudhary the complainant re-married with the petitioner i.e.



Sapendra Chaudhary, who is the younger brother of late Upendra Chaudhary. It has also been alleged that out of the second marriage of the complainant two female child were born. It has further been alleged that the husband of the complainant Sapendra Chaudhary performed another marriage with Phool Kumari on 26.05.2017 and started torturing the complainant and ousted the complainant from the house after snatching her ornaments and valuables etc.

Learned counsel for the petitioner submits that the petitioner has not committed the offence in the manner alleged and a false and concocted complaint has been filed by the complainant in order to grab the property of the petitioner.

Pursuant to the order dated 22.01.2020 both the complainant as well as the petitioner are present in the Court. During the negotiation process the petitioner has agreed to deposit a sum of Rs. 02 lakhs in the bank account of the daughter of the complainant namely, Khusboo Kumari. The bank A/c No. of the daughter of the complainant Khusboo Kumari shall be provided by learned counsel for the petitioner to learned counsel for the informant within a week. The petitioner has agreed that a sum of Rs. 50,000/- out of the aforesaid sum of Rs. 02 lakhs shall be deposited within a period



of one month and the balance amount of Rs. 1,50,000/- shall be paid in three equal installments of Rs. 50,000/- each after every six months. In any event, a total amount of Rs. 02 lakhs shall be paid by the petitioner in the bank account of Khusboo Kumari within a maximum period of two years. The offer made by the petitioner in presence of learned counsel for the petitioner has been accepted by the complainant in presence of learned counsel appearing for the complainant.

Having heard learned counsel for the parties and taking into consideration the aforesaid offer made by the petitioner having been accepted by the complainant, I am inclined to grant anticipatory bail to the petitioner subject to the condition that he will deposit a sum of Rs. 50,000/- in the bank account of the daughter of the complainant within a period of one month and the balance amount of Rs. 1,50,000/- shall be paid by the petitioner in the bank account of the daughter of the complainant Ms. Khusboo Kumari in three equal installments of Rs. 50,000/- each within a maximum period of two years.

Accordingly, let the petitioner- Sapendra Chaudhary @ Sapendar Chaudhry in the event of his arrest or surrender before the court below within a period of eight weeks from today be released on anticipatory bail on furnishing bail bond of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Madhwendra Singh, learned S.D.J.M., Arwal / concerned court in connection with Complaint Case No. 457 of 2017 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure, 1973 and further subject to the condition that at the time of furnishing bail bond the petitioner will annex the proof of making payment of Rs. 50,000/- in the bank account of the daughter of the complainant along with surrender- cum- bail petition.

(Anil Kumar Sinha, J)

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