

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12168 of 2020

Arising Out of PS. Case No.-343 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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SANDESH KUMAR CHAURASIA @ SANDESH KUMAR Son of Shri
Harendra Prasad Chaurasiya Resident of Village - Gamhariya Kala, P.S.-
Darpa, District- East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalmati Kumari Chaurasiya @ Sanjana Wife of Sandesh Kumar Chaurasia
@ Sandesh Kumar, D/O - Ramchaandra Prasad Chaurasiya Present Address
Resident of Village - Gamkariya Kala, P.S.- Darpa, District - East
Champaran at Motihari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vibhakar Kumar, Adv.
For the State	:	Mr. Nazir Ansari, APP
For the O.P. no. 2	:	none

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 16-03-2021 Heard learned counsel for the petitioner and learned

APP for the State. No one appears on behalf of opposite party

no. 2.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in connection
with Trial no. 2688 of 2019 arising out of Complaint Case no.
C-343 of 2018 for the offence under sections 323 and 498A of
the Indian Penal Code and sections 3 and 4 of the Dowry
Prohibition Act.

As per allegation in the complaint, the opposite party



no. 2 was married to the petitioner in the year 2016. It is stated that soon thereafter the accused persons including the petitioner herein started to torture the complainant for non-fulfillment of the demand of dowry which was of a motorcycle besides other articles.

It is submitted by learned counsel for the petitioner that the allegations as narrated in the complaint are false and incorrect. In fact the petitioner has himself filed a suit under section 9 of the Hindu Marriage Act for restitution of conjugal rights which has been registered as Matrimonial Case no. 237 of 2018 and the same is pending.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the pendency of the above mentioned suit, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Trial no. 2688 of 2019 arising out of Complainant Case no. 343 of 2018, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand)



with two sureties of the like amount each to the satisfaction of
learned S.D.J.M., Raxaul, Motihari subject to the conditions as
laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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