

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36008 of 2021

Arising Out of PS. Case No.-492 Year-2020 Thana- CHHATAUNI District- East Champaran

AMIT KUMAR CHAUDHARY Son of Asharfi Chaudhary Resident of
Village - Bada Bariyarpur, P.S.- Chhatauni, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv.
For the State	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Vijay Shankar Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-12-2021 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 498A, 494, 379, 312 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, the informant was married to the petitioner. The accused persons including the petitioner herein regularly tortured and assaulted the informant for non-fulfillment of demand of dowry to the tune of a Hero motorcycle and Rs.5 lacs in cash. It is stated that as a result of assault by the accused persons, she aborted on more than one occasion. Thereafter, her husband entered into an illegal



marriage with co-accused Nilu Devi. Her husband and Nilu Devi also assaulted her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From perusal of the F.I.R. itself, it would transpire that no details have been given. The allegation of assault leading to the informant aborting is only to make the case look serious. So far as the allegation against the petitioner under section 494 of the Indian Penal Code is concerned, the same isailable. The petitioner who has no criminal antecedent has remained in custody since 23.12.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner, who is the husband of the informant, besides being named in the F.I.R., there is direct allegation against him of torture and assault leading to the informant aborting. Learned counsel for the informant refers to an injury report in his possession dated 16.11.2020 to substantiate the allegations made in the F.I.R.

Although the said injury report is not on record, however learned counsel for the petitioner on being shown the



said injury report submits that the doctor therein has himself stated that at the time of examination of the informant, she did not disclose as to how the said injury and resultant bleeding has taken place and informant had told the doctor that as per her guess it was general case of bleeding.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the nature of allegation together with the petitioner having remained in custody for more than 11 months, the Court directs the petitioner to be enlarged on bail in connection with Chhatauni P.S. Case no.492 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, East Champaran at Motihari.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

