

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39166 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

ARVIND CHAUBEY Son of Birendra Chaubey (Biological Father), whereas
Legal Father is Daya Shankar Chaubey Resident of Village- Maldah, P.S.-
illia, District- Chandouli (Uttar Pradesh).

... .. Petitioner

Versus

1. The State of Bihar
2. Shweta Chaubey, w/o Arvind Chaubey, d/o Rajeshwar Chaubey, r/o village
Sirbit, P.S. Chainpur, District Kaimur (Bhabua)

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Pathak,Advocate
For the State	:	Mr.Dinesh Singh,APP
For the O.P. No. 2	:	Mr.Tribhuwan Narayan,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-04-2021 O.P. No. 2 has entered appearance by filing
vakalatnama. Let it be kept on the record.

Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for O.P. No. 2.

The petitioner in the present case is seeking regular
bail in connection with Chainpur P.S. Case No. 122 of 2020
registered for the offence punishable under Sections 498(A),
341, 323, 307, 504, 506/34 of the Indian Penal Code and
Section 3/4 of Dowry Prohibition Act.

As per the prosecution story, the marriage between the
petitioner and O.P. No. 2 was solemnised on 7th July, 2014. It is
alleged that after marriage the O.P. No. 2 was taken to her
sasural in district Chandouli in the State of Uttar Pradesh where



she was being tortured for not bringing sufficient dowry. On 26.03.2020, it is alleged that the O.P. No. 2 was assaulted and she was asked to bring a sum of Rs. 5 lakhs as dowry failing which the petitioner would get married to some other woman.

The O.P. No. 2 has further alleged that because of the assault she had broken one of her teeth and the said injury was earlier not noticed because during the lockdown there was no CT-scan of her teeth. She has further alleged that her silver ornaments and some cloths have been stolen away.

Learned counsel for the petitioner submits that the present case has been lodged on 17.04.2020. The informant concealed the material fact that in connection with the alleged occurrence which took place on 26.03.2020 the brother of O.P. No. 2 had lodged a case with Chandouli Police Station giving rise to G.D. No. 029 dated 27.03.2020 under Sections 323 and 504 I.P.C. copy of the said FIR has been brought on record.

Learned counsel for the petitioner submits that because the said FIR was registered under the bailable sections only and the petitioner was on bail in the said case, in order to harass him, the present FIR has been lodged.

It is further submitted that as per the prosecution story the marriage had taken place in the year 2014 when this



petitioner was a minor boy and in fact his marriage was solemnised with the O.P. No. 2 who is much elder in age. This has been the reason for the acrimonious relationship between the parties.

Learned counsel for the O.P. No. 2 has, however, opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner admits his marriage with O.P. No. 2 and despite this fact he is not accepting O.P. No. 2 as his lawfully wedded wife.

Learned APP for the State has also opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, wherein it is not in dispute that in relation to the alleged occurrence which had taken place on 26.03.2020 one FIR was earlier lodged by the brother of O.P. No. 2 at Chandouli and the same has been registered under Sections 323 and 504 of the Indian Penal Code, in the present FIR, there is no further allegation that after 26.03.2020 the petitioner had indulged in causing any assault on O.P. No. 2, in the nature of the allegations wherein the petitioner and O.P. No. 2 are having matrimonial discord, this Court is inclined to grant regular bail to the petitioner at this stage.



The petitioner has already been enlarged on provisional bail vide order dated 12.02.2021. This Court confirms the same and the petitioner is directed to be allowed to remain on bail on the same bail bond.

It is open for the parties to seek redressal of their grievances and settlements requesting the learned court below to refer the matter to the mediation center attached to the learned court below.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

