

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40220 of 2020

Arising Out of PS. Case No.-309 Year-2020 Thana- BAIRIYA District- West Champaran

DEEPAK KUMAR CHAUDHARY @ DEEPAK KUMAR SAHANI Son of
Lakshmi Chaudhary Resident of Village - Baluwa Sidhaw, P.S. - Laukaria,
District - West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BALESHWAR CHAUDHARY Son of Late Laxmi Chaudhary R/o Village-
Bagahi Nimiya Tola, P.S. - Bairiya, District - West Champaran.
3. PUNAM DEVI D/o Baleshwar Chaudhary, W/o Deepak Kumar Chaudhary
@ Deepak Kumar Sahani At present address - Bagahi Nimiya Tola, P.S. -
Bairiya, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-08-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Bairiya P.S.
Case No. 309 of 2020 registered under Sections 323, 504, 494,
498A/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition
Act.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment of demand of dowry.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is husband of the victim. The offences are triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 309 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with



two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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