

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55625 of 2019

Arising Out of PS. Case No.-1066 Year-2006 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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MAHESH CHAUDHARY Son of Suresh Choudhary Resident of Village -
Kalaunda, P.S.- Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranju Devi Wife of Jhaman Choudhary Daughter of Bhagwat Choudhary,
Resident of Village - Patroll, P.S.- Narhat, District - Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 01-09-2021 Heard Mr. Vishwa Ranjan Choudhary, learned

Advocate for the petitioner and Mr. Upendra Kumar, learned

APP for the State.

The petitioner, who is the husband of opposite
party no. 2 seeks bail in anticipation of his arrest in
connection with Complaint Case No. 1066 of 2006 in which
cognizance has been taken under Section 198(A0 of the
Indian Penal Code and Section 4 of the Dowry Prohibition
Act.

This court had directed for issuance of notice to
opposite party no. 2 and had granted interim reprieve to the



petitioner vide order dated 04.09.2019.

The notices have been received by the father of the opposite party no. 2 and an affidavit of jointness has also been filed by the petitioner.

Nonetheless, there is no appearance on behalf of opposite party no. 2.

Learned counsel for the petitioner, however, has submitted that the opposite party no. 2 has already married somebody else and has been blessed with children from that wedlock. He further submits that the opposite party no. 2 is not interested in prosecuting the petitioner any further.

Such statement on behalf of the petitioner cannot be accepted in its entirety in the absence of the opposite party no. 2.

For the aforesaid reason, this Court disposes of the bail petition with direction that in case the petitioner surrenders before the court below within a period of six weeks from today, he shall be released on provisional bail. Simultaneously, notices shall be issued to the opposite party no. 2. On appearance of the opposite party no. 2, the court



below shall decide the application on the merits of the case.

If the opposite party no. 2 does not appear despite all efforts by the petitioner and the court, the provisional bail granted to the petitioner shall be confirmed.

The application stands disposed of accordingly.

(Ashutosh Kumar, J)

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