

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69639 of 2019

Arising Out of PS. Case No.-432 Year-2018 Thana- DIGHA District- Patna

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MAYANAK CHAUDHARY @ TINKU Son of Nand Kishore Chaudhary,
Resident of Village-Birchi More, P.S.-Dhanaruwa, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Puja Kumari D/o Vijay Chaudhary, Resident of Mohalla-Bas Kothi Near ITI
Hostel Gate No.93, P.S.-Digha, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 24-02-2021 Heard learned counsel for the petitioner, learned
A.P.P. and Mrs. Anima Loisa Topno, learned counsel for the
informant.

The petitioner apprehends his arrest in Digha P.S.
Case No.432 of 2018 registered under Sections 498(A) and 34
of the Indian Penal Code and under Sections 3 and 4 of the
Dowry Prohibition Act.

The informant (wife of the petitioner) in sum and
substance alleged that her marriage with the petitioner was
solemnized on 21.06.2018 and she went to her sasural but her
husband disclosed that he was engaged with another lady. The
marriage was not consummated. She further alleged that on one



pretext or other the petitioner and others demanded additional dowry and they subjected her to physical and mental torture.

Learned counsel for the petitioner submits that all the allegations are false and concocted. The petitioner never demanded any dowry nor ever tortured his wife for any purpose. In fact, the wife does not want to live with the petitioner. She is not at all satisfied with her marriage with the petitioner. The wife filed counter affidavit and alleged that on concealment of some material facts her marriage was solemnized with the petitioner. It was disclosed that the petitioner is a doctor but in fact he is not a qualified doctor. The informant intends to file a suit for declaration of marriage as null and void. It is further submitted that the informant has also filed a petition for grant of maintenance. It is further submitted that the petitioner is ready to keep his wife but his wife is not at all willing to accompany the petitioner.

Learned A.P.P. as well as learned counsel for the informant, however, vehemently opposed the prayer for anticipatory bail but learned counsel for the informant at the same time submits that the informant is not willing to live with her husband and she wants divorce. The marriage was never consummated. She has already filed a maintenance case.



It appears that immediately after marriage, the wife filed this case making allegation of additional demand of dowry and torture but from perusal of the counter affidavit filed by the wife (informant), it transpires that she is not willing to live with her husband and she intends to file a suit for declaration of marriage as null and void.

Taking into consideration the facts aforesaid, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in connection with Digha P.S. Case No.432 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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