

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6454 of 2023

Arising Out of PS. Case No.-646 Year-2020 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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VIJAY CHAUDHARY @ MARUTI CHAUDHARY S/o Girani Chaudhary
R/o Village/Mohalla- Pithauri, P.S.- Akbarpur, Distt- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chnchala Kumari W/o Vijay Chadhary @ Maruti Chaudhary R/o Village-
Pokhar Basti, Ward no. 15, P.S.- Forbesganj, Distt- Araria.

... .. Opposite Party/s

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For the Petitioner/s :	Mr Krishna Deo Raj, Advocate
For the Opposite Party/s :	Mr Ramesh Chandra, APP

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CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 04-09-2023 Heard learned counsel for the petitioner and the
learned APP.

2 Despite valid service of notice, no body appears on
behalf of Opposite Party No 2.

3 The petitioner apprehends arrest in Complaint Case
No 646 of 2020 registered for the offence punishable under
Sections 147, 148, 149, 323, 341, 379, 504 of Indian Penal Code
and Sections 3/4 of Dowry Prohibition Act but cognizance has
been taken only under Sections 323, 498A of Indian Penal Code
and Section 3/4 of Dowry Prohibition Act.

4 As per the prosecution case, all the named accused
persons including this petitioner tortured and harassed the
complainant due to non-fulfillment of demand of dowry.

5 Learned counsel for the petitioner submits that the
petitioner happens to be husband of the complainant and present



case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against him. It is further submitted that petitioner is ready to keep the complainant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment of this Court in the case of *Md Najmul Haque Ansari @ Naimul Haque Ansari & Others -Versus- The State of Bihar*, since reported in *2006 (3) PLJR 182*.

6 Learned APP has vehemently opposed the prayer for anticipatory bail.

7 Considering the rival submissions, in the event of arrest/surrender within a period of six weeks from today, the petitioner above named be enlarged on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Nawada in Complaint Case No 646 of 2020 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

M.E.H./-

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