

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15869 of 2023

Arising Out of PS. Case No.-689 Year-2016 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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DHARMENDRA CHAUDHARY S/O Baidyanath Chaudhary R/O Village-
Rukha, P.S- Chandi, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Inkal Devi W/O Dharmendra Chaudhary, D/O of Late Saryug Chaudhary
R/O Village- Tilak Chak, P.S- Nardiganj, District- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Informant	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2023 Heard Mr. Birendra Kumar, learned counsel for the

petitioner, Mr. Deepak Kumar, learned counsel appearing on

behalf of the Complainant and Mr. Bhanu Pratap Singh, learned

APP for the State.

2. The petitioner is apprehending his arrest
connection with Complaint Case No. 689 of 2016, dated
11.07.2016 registered for the offences punishable under
Sections 498(A) of the Indian Penal Code and Section 4 of the
Dowry Prohibition Act.

3. Petitioner is husband of the complainant.
Allegation is of demand of dowry and torture for the same.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. He further submits that in fact after the marriage the complainant had gone to his parent's house and she had not returned back and in view of the aforesaid, the petitioner has filed the Matrimonial Case No. 155 of 2016 under Section 9 of the Restitution of Conjugal Rites but she did not appear as yet and thereafter the present complaint petition has been filed on 11.07.2016.

5. Vide order dated 06.09.2013 the matter was referred to the Patna High Court Mediation and Conciliation Centre for settlement of dispute between the parties. Report of the learned Mediator dated 05.10.2023 reveals that despite of best efforts the mediation proceeding has failed.

6. Learned counsel for the Informant and learned APP for the State, on the other hand, has opposed the prayer for anticipatory bail of the petitioner and submits that in fact the petitioner has performed the second marriage and having two children from the second marriage but he has not furnished the name of the second wife of the petitioner or his children only



bold statement is there that the petitioner has performed the second marriage.

7. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Nawada in connection with Complaint Case No. 689 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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