

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30388 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

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MANOJ CHAUDHARY Son of Shambhu Chaudhary Resident of village -
Motihari Tad, P.S. - Bairiya, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi Wife of Manoj Chaudhary D/o Suresh Chaudhary presently
Residing at Village - Gandhinagar, Ward No.- 18, P.S.- Bagaha, District -
West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Kumar, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr. Gautam, APP
For the Informant/s	:	Mrs. Kanchan Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 19-04-2023 Let the defect(s), if any, pointed out by the office be

removed within three weeks from the date of this order, failing

which the matter be listed again under the appropriate heading

for necessary action.

2. Heard learned counsel for the petitioner,

learned counsel for the Informant and the learned APP for the

State.

3. Petitioner seeks regular bail in connection

with Mahila (Bagaha) P.S. Case No.08 of 2022 dated

15.01.2022 registered for the offences punishable under

Sections 341, 323, 498(A), 504 and 506/34 of the Indian Penal



Code and Section 3/4 of Dowry Act.

4. The main submissions advanced by the learned counsel for the petitioner are that the allegation of bigamy made by the informant who happens to be wife of this petitioner is completely false and the petitioner has been languishing in jail since 20.04.2022 and in between the petitioner and his wife there are two cases and firstly the petitioner filed matrimonial suit for restitution of conjugal rights and thereafter the FIR of the instant matter with false allegation of extra marital affair with another lady was lodged against petitioner. Further submission is that in between both the spouses *panchayati* meeting was also held and both agreed to settle all their disputes and according to the terms and conditions of the said settlement the petitioner has returned all the gifts along with one lakh rupees to his wife and the said settlement's copy is available in the case diary.

5. Learned counsel appearing for the Informant has vehemently opposed the bail prayer and submitted that the petitioner cheated on the informant by concealing his extra marital relationship with another lady.

6. Learned APP appearing for the State has also opposed the bail prayer.



7. Considering the facts and circumstances of this case and mainly the petitioner's custody period and also the fact that as per case diary, the investigation has been completed against the petitioner and in between the petitioner and his wife attempts have been made to resolve their disputes but the same could not be resolved and the petitioner has filed a matrimonial suit under Section 9 of Hindu Marriage Act for the restitution of his conjugal rights and the same is pending before the family Court, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Mahila (Bagaha) P.S. Case No.08 of 2022.

(Shailendra Singh, J)

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