

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36747 of 2023

Arising Out of PS. Case No.-34 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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SUMIT CHAUHAN @ SUMANT RAJ S/O LALAN CHAUHAN R/O Vill.
Bishunpur, PS. Manpur, Dist. Nalanda

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. LAXMI DEVI W/O SUMIT CHAUHAN, D/O RAJESHWAR CHAUHAN
R/O Vill. Bishunpur, PS. Manpur, Dist. Nalanda, Presently reside. Bhuyapur,
PS. Pandarak, Dist. Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 22-08-2023 1. Heard learned counsel for the parties.
2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 34C of 2019 wherein cognizance has been taken for the offence under section 498A of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.
3. As per the prosecution case, the complainant was married to the petitioner. There is allegation of torture and demand of dowry against the accused persons including the petitioner herein who happens to be the husband of the complainant.
4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. The date of birth of the petitioner is 15.2.2000 which is evident from the certificate of the Bihar School Examination Board ie Annexure-2 and the alleged date of marriage is 7.5.2017. Thus the petitioner was a minor on the alleged date of marriage. In fact the petitioner was married forcibly by the side of the complainant's family against his will. Learned counsel further refers to the statement of the complainant in her S.A. wherein she states that she does not want to go with the complainant but wants divorce. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the age of the petitioner on the date of marriage as is evident from the certificate brought on record as Annexure-2 to the petition together with the statement of the complainant on S.A. as referred to hereinabove and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 34C of



2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Barh (Patna).

(Partha Sarthy, J)

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