

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47581 of 2023

Arising Out of PS. Case No.-1715 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

=====

Dharmendra Kumar Choudhary Son Of Surendra Kumar Choudhary Resident
Of Village- Khamhar, Ward No. 1, Ps- Chakbiduliya, Ps- Muffasil, Distt-
Begusarai, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Savita Kumari Wife Of Dharmendra Kumar Choudhary Resident Of Village-
Pokhadiya, Ps- Town Ward No. 37, Distt- Begusarai

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2023 Heard Mr. Mirityunjay Kumar, learned counsel for the

petitioner as well as learned Mr. Pradeep Narain Kumar,

Additional Public Prosecutor for the State.

2. It appears that notice has been received by the
opposite party no.2, despite of that no one has appears on behalf
of the opposite party no.2.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No.1715 of 2021, complaint
dated 13.12.2021 registered for the offence punishable under
Sections 498(A) of the IPC.

4. The prosecution case, in short, is that the
complainant filed a complaint against her husband and her in-
laws that three years after the wedding, the husband started



abusing and beating her for demand of dowry, whereupon the complainant filed a case in the court after which compromise took place between the parties and they started living normally. After sometime again the husband and in-laws started coercing her that she is unable to give birth to a male child which will stop their lineage and based on the aforesaid fact the complainant was subjected to cruelty and torture. Further, the complainant alleges that all in-laws together keeps demanding Rs. 10,00,000/- from the father of the complainant for purchasing property in Delhi. In January 2020, all the accused persons defenestrated the complainant along with her children from their house whereupon the complainant somehow managed to get back to her paternal house and is constrained to raise her children all alone. Accordingly, the complaint petition.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case and 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 petitioner has never demanded any dowry from the family members of the complainant and petitioner is ready to keep his wife with full dignity and honour. Further



submits that the present complaint petition has been filed only for the purpose of pressurising the petitioner and for handing over the landed property in favour of the complainant.

6. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts, 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 anticipatory 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 Judicial Magistrate, Ist Class, Begusarai in connection with Complaint Case No.1715 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

U		T	
---	--	---	--

