

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46701 of 2022

Arising Out of PS. Case No.-207 Year-2020 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Sunil Kumar Choudhary, S/O Jagan Chaudhary, Resident of village- Ka-
jichak, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanda Devi W/O Sunil Kumar Choudhary, D/O Late Baban Choudhary
Resident of Village- Algu Bigha, P.O.- Tetrahar, P.S.- Akorhigola, District-
Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh, Advocate
For the informant	:	Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Iftekhhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2023 Heard Mr. Rajani Kant Singh, learned counsel
appearing on behalf of the petitioner, Mr. Rajesh Kumar Singh,
learned counsel appearing on behalf of the O.P.No. 2 and Mr.
Md. Iftekhhar Mahmood, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 207 of 2020 for the offence
punishable under Sections 498(A), 504, 506 and 323 of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Due to strained relationship the couple are living
separately as a consequence of which the O.P. No.2 was
compelled to lodge a complaint against the petitioner.

4. Learned counsel appearing on behalf of the



petitioner at the outset submitted that the petitioner had filed an application under Section 9 of the Hindu Marriage Act for restitution of matrimonial relationship with his wife (O.P. No.2) and is ready to keep her with full dignity and honour.

5. Mr. Rajesh Kumar Singh, learned counsel appearing on behalf of the O.P. No.2 submitted that O.P. No.2 is ready to live with the petitioner subject to the condition that petitioner will reside with O.P. No.2 and her only daughter. However, such instruction has been given to him for the reason that there is lot of interference with the parents of the petitioner.

6. Learned APP for the State submitted that the matter relates to matrimonial dispute between the husband and the wife and the petitioner has agreed to live along with his wife and he will provide her all physical and economical need. Considering the nature of allegation made against the petitioner, it would be proper that the petitioner be directed to approach his wife for leading a happy matrimonial life.

7. Considering the nature of allegation made against the petitioner and the willingness of the petitioner and O.P. No.2 to live together and lead their conjugal life happily and to that effect the petitioner has given statement in paragraph no.9 of the bail application that he is ready to keep the O.P. No.2 with full



dignity and honour and he will not torture or demand any dowry from O.P. NO.2 or her parents. Prima facie it appears to this Court that the petitioner has made out a case to be released on provisional bail.

8. The Court below is directed to release the petitioner above named provisionally on prearrest bail. The Court below is further directed to monitor the well being of the petitioner and O.P. No.2 from time to time for a period of one year and should also strive to reconcile the matrimonial dispute between the husband and the wife and if it is found that no complaint is made by the either parties during the aforesaid period, the provisional bail granted to the petitioner must be made absolute on such terms and conditions as the court below deem it fit and proper and the conditions as laid down under Section 438 (2) of the Cr.P.C. In case any of the condition, which has been imposed is violated by the petitioner, this order will lose its force automatically.

9. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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