

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54053 of 2022

Arising Out of PS. Case No.-1056 Year-2020 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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SANTOSH CHAUDHARY S/o Late Chhathu Chaudhary Resident of Ward
No. 09, Dumawaliya, Patkhaulia, P.S.- Bagha, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dolli Devi W/o Santosh Chaudhary, D/o Late Rama Chaudhary Presently
R/o- Harivatika Chowk, Basant Vihar Road, P.S.- Mufassil Bettiah, District-
West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta,Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1056C/2020, Tr. No. 2563/2021 for
the offence registered under Section 498(A) of the Indian Penal
Code.

As per the prosecution story, the lady alleged that she
was married to the petitioner in 2017 and the family members
had given enough dowry but she was being tortured for
additional dowry, in between, a female child also took birth. The
last allegation is that the family members tried to kill her and
later on 10.07.2020, thrown her out of the house.



Learned counsel for the petitioner submits that he has filed Divorce Suit which is pending before the Court of learned Principal Judge, Family Court, Bettiah, West Champaran in which she has already filed maintenance case. He further undertakes to pay his wife Rs. 5,000/- per month till an order is passed in the maintenance case.

Learned APP for the State, on the other hand, submits that the allegation of torture is there and in that background, he does not deserve bail.

Taking into account the fact that a divorce case is already pending and the complainant has also filed a petition for maintenance, ultimately he has to face the music, this Court is inclined to extend the benefit of anticipatory bail to him subject to payment of Rs. 5,000/- per month to the lady beginning January, 2023 and from the next month, he will be paying the same by 10th of every month.

He will approach the concerned family and take the account number of the lady and failing to do so, will be diligently deposit the amount of Rs. 5000/- through Demand Draft issued by the local State Bank of India branch before the 'NAZARAT' of the concerned Court so that the same is handed over to the lady after checking her credentials.



Failure to do so, the lady will be free to take legal remedy for cancellation of his bail bond.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Complaint Case No. 1056C/2020, Trial No. 2563/2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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