

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61659 of 2022

Arising Out of PS. Case No.-53 Year-2020 Thana- MAHILA PS District- Buxar

CHANDRA SHEKHAR CHOUBEY S/o Sri Durga Choubey, R/o Village-
Malvianagar, Dhobighat, P.S.- Buxar (T), District- Buxar. Petitioner/s
Versus

1. The State of Bihar
2. BITTU KUMARI W/O Chandra Shekhar Choubey D/o Surendra Tiwari,
R/o Mohalla- Gaiswali Gali, M.V. College, Charitravan, P.S.- Buxar (T),
District- Buxar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kritya Nand Jha, Adv. Mr. Avinash, Adv.
For the State	:	Mr.Tapeshwar Sharma, APP
For the informant	:	Mr. Ashwini Kumar Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 09-10-2023 Heard Mr. Kritya Nand Jha and Mr. Avinash, learned
counsel for the petitioner and Ashwini Kumar Rai, learned counsel
appearing on behalf of the informant as well as Mr. Tapeshwar
Sharma, learned APP representing the State.

2. The petitioner is apprehending his arrest in
connection with Buxar (Mahila) P.S. Case No. 53 of 2020, dated
27.06.2020, registered for the offences punishable under Sections
498(A), 341, 323, 504/34 of the Indian Penal Code and Sections
3/4 of the Dowry Prohibition Act.

3. As per allegation, the accused persons including the
petitioner used to torture and threaten the informant and ultimately
they ousted her from her matrimonial house for non-fulfillment of
demand of dowry.

4. Learned counsel for the petitioner has submitted that



although the anticipatory bail application of the petitioner was earlier rejected in Cr. Misc. No. 37205 of 2020, vide order dated 12.07.2021. He further submits that the petitioner has already paid up-to-date entire amount, as directed by the learned court below in D.V. Case No. 40 of 2020 and Matrimonial Case No.199 of 2022 and he shall undertake that he will pay the amount month-to-month basis till the disposal of both the cases.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail and submit that the petitioner has not complied with the order of the learned court below and pursuant to the direction of this Court, he had paid the amount to the informant.

6. Considering the fact that the petitioner has complied with order of the learned court below in D.V. Case No.40 of 2020 and Matrimonial Case No.199 of 2022, let him, in the event of his arrest or surrender within a period of four weeks, 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 learned Chief Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S. Case No. 53 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further 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 bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of his bail bond.

(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 antecedent, the court below shall take step for cancellation of 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.

7. If the petitioner does not pay the amount month-to-month basis, as mentioned-above, the informant is at liberty to move before the concerned court for cancellation of his bail bond.

(Rajesh Kumar Verma, J)

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