

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60142 of 2022**

Arising Out of PS. Case No.-145 Year-2021 Thana- CHAKAND District- Gaya

SAROJ KUMAR NANDAN SON OF BISHWANATH CHOUDHARY R/O
VILLAGE- GODHANA, P.S.- UDWANTNAGAR, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv.
	:	Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP
For the informant	:	Mr. Chandra Mohan Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-02-2023 Heard learned Senior Counsel for the petitioner and
the State as also the informant.

The petitioner apprehends his arrest in connection with Chakand P.S. Case No. 145 of 2021 instituted under Sections 341, 323, 498A, 504, 506 of the Indian Penal Code and Section 3/4 of the D.P. Act.

As per the prosecution story, the informant alleged that she was married to the petitioner herein in 2015 and at that time altogether Rs. 10 lakh was spent by her father including Rs. 3 lakh which was deposited in the bank account of her husband. However, she was regularly tortured for dowry and they had also snatched her ornaments worth Rs. 3 lakh.

The further allegation against her husband is that he



was having illicit relationship with his 'bhabhi' which was seen by the lady several times and it has been alleged that upon protest, she was assaulted. The allegation against one, Chhotan Chaudhary who belongs to the family of the petitioner is of that he is a man of criminal character and once, he poured kerosene oil and put her on fire and she had to remove her clothes and to run away from her room to save herself.

The next allegation is that the family members of the petitioner wanted second marriage of the petitioner so that they could get a handsome dowry and as such, once she was assaulted and as no one could hear her scream, a cloth was inserted in her mouth.

It is further alleged by her that some medicines were given by her husband which always caused abnormality in her body.

The last allegation is of throwing her out of the house on 7.3.2021 with the threatening that if she returns, will be killed.

Learned Senior Counsel for the petitioner submits that this FIR is a counter blast to the complaint filed by the petitioner against the lady and her family members on 7.3.2021 as also the divorce suit that was filed on 10.3.2021 which was



admitted on 23.3.2021.

The further submission is that he used to support the lady's brother and when he refused to give further financial assistance, infuriated, the present case was filed.

It has been further submitted by learned Senior Counsel that as per the FIR itself, she was ousted from home in March, 2021 but chose to lodge the FIR in September, 2021.

Learned counsel for the informant on the other hand has taken this Court to the allegations that has come in the FIR and which has been narrated above to show how she was tortured, humiliated, assaulted and further had seen illicit relationship of the husband with his 'bhabhi'.

He further submits that contrary to the statement made in para-9 of the petition, she does not suffer from any such illness and any document that has been brought on record, is a created document of the petitioner and an alibi to save himself.

Having gone through the allegations that has come in the FIR which include assault as also trying to burn her, the alleged relationship that the petitioner is having with the 'bhabhi' followed by throwing her out of the house, this is certainly not a fit case to extend the petitioner the privilege of



anticipatory bail which is accordingly rejected.

(Rajiv Roy, J)

Ajay Singh/-

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