

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66459 of 2022**

Arising Out of PS. Case No.-307 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

RAJAT CHOUDHARY @ KUMAR RAJAT S/O Ram Narayan Choudhary
R/O Village- Masuria Banka, P.S- Banka, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saloni Kumari W/O Rajat Choudhary, D/O Shyam Kishore Choudhary R/O Village- Masuria Banka, P.S- Banka, District- Banka, At Present Address Saloni Kumari D/O Shyam Kishore Choudhary Resident of Village- Wajidpur, P.S- Vidhyapati Nagar, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akshay Lal Pandit, Advocate
For the State	:	Mr.Surendra Prasad Singh, APP
For the Informant	:	Mr. Rajnish Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 05-10-2023 Heard Mr.Akshay Lal Pandit, learned counsel for the petitioner, Mr. Rajnish Kumar, learned counsel for the complainant and Mr.Surendra Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 307 of 2021, Complaint dated 25.10.2021 and cognizance has been taken under Section 498A of the I.P.C. and under Section 3/4 of the D.P.Act on 07.05.2022.

3. Allegation against the petitioner and other co-accused persons is of committing torture upon the victim due to



non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. As per allegation in the complaint petition that the petitioner has started to torture to the victim and demanded Scorpio vehicle but the parents of the complainant has denied. Learned counsel for the petitioner submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner outrightly submits that the petitioner is ready to pay Rs.10,000/- per month for the maintenance of the complainant and the daughter of the complainant who is also daughter of the petitioner, subject to the outcome of the maintenance case or other case.

5. Learned counsel for the complainant, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that Rs.10,000/- is very meager amount.

6. 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 bail on furnishing bail bond



of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Dalsingsarai, Samastipur in connection with Complaint Case No. 307 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) The petitioner shall pay Rs.10,000/- per month to the complainant in her Bank Account through RTGS in the 1st week of every month till the disposal of the maintenance case, if any.

Bank Account details of the complainant is as follows:

Name-Saloni Kumari, State Bank of India, A/C.No. 41118813941, IFSC Code:-SBIN0005439, SBI, Vidyapati Nagar, Samastipur.

(II) 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.

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



(IV) 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 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)

Nitesh/-

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

