

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27896 of 2024

Arising Out of PS. Case No.-1508 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Abhishek Kumar @ Chunmun Chaudhary, Male, aged about 32 years, son of
Sri Kant Chaudhary, resident of Village- Devhara, P.S.- Goh, District-
Aurangabad (BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Kumari, Female, aged about 28 years, daughter of Shree Laln
Caudhary, resident of village- Childhos Gangla, P.S.- Sandesh, District-
Bhojpur at Arrah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For the OP No.2	:	Mr. Anand Kishore Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner; learned

Additional Public Prosecutor for the State as well as learned

counsel for the opposite party no.2, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with

Complaint Case No.1508(C) of 2022 dated 08.09.2022,

instituted under Sections 323, 341, 504, 120-B, 313, 498-A and

376/34 of the Indian Penal Code and Section 3/4 of the Dowry

Prohibition Act in which cognizance has been taken under

Section 498-A/34 of the Indian Penal Code.

3. The complaint case, in short, is that the marriage of

the complainant was fixed with the petitioner and engagement



ceremony was held on 02.09.2019 in Surya Temple but marriage could not be solemnized due to pandemic of COVID 19. The complainant started living in Patna where the petitioner was also living from before and thereafter the petitioner established physical relationship with her on the assurance that they marriage has already been performed between them. When the complainant became pregnant, the same was aborted by giving medicine. Later on, rupees five lakh was demanded as dowry.

4. Learned counsel for the petitioner submits that though the complaint has been filed under Sections 323, 341, 504, 120-B, 313, 498-A and 376/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act but the Court below has taken cognizance only under Section 498-A/34 of the Indian Penal Code vide order dated 23.03.2023. It is also submitted that marriage of the petitioner was never solemnized with the complainant and to put pressure upon the petitioner to solemnize marriage with the complainant, this false and fabricated case has been filed. Further submission is that the complainant has alleged that she and the petitioner was living together but there is no material on record to show that both were living together or both were in live-in relationship. Lastly, it is submitted that the petitioner has no criminal antecedents.



5. Learned APP as well as learned counsel for the complainant has opposed the prayer for bail. Learned counsel for the opposite party no. 2 submits that she is ready to live with the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Arrah, in Complaint Case No.1508(C) of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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