

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24723 of 2024

Arising Out of PS. Case No.-472 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Bhola Chaudhary @ Bhola Kumar S/O Neur Chaudhary @ Naur Chauhan
R/O Village- Tonwa, P.S- Bhairoganj, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gita Devi W/O Bhola Chaudhary @ Bhola Kumar R/O Village- Tonwa, P.S- Bhairoganj, Distt.- West Champaran At Present Address Resident Of Village- Shivnaha, P.S- Valmiki Nagar, Distt.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-04-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State along with learned counsel for the O.P. No. 2.

2. The Petitioner is apprehending his arrest in a case in connection with Complaint Case No. 472C of 2019 dated 19.06.2019 registered for the offences punishable u/ss 323, 498A, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner along with co-accused persons is alleged to have assaulted the complainant due to non-fulfillment of dowry demand i.e. Rs. 20,000/-, motorcycle and one buffalo.



4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. The petitioner is ready to keep the complainant with full dignity and honour. The petitioner has relied upon the judgment of this Court in the case of ***“Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.”*** Learned counsel has further relied on the judgments in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351 and Md. Asfak Alam Vs. The State of Jharkhand & Anr. Passed in Criminal Appeal No(s). 2207 of 2023***, arising out of Special Leave Petition (CRL.) No. 3433 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances as well as submissions made by the learned counsels for the parties, let the above named petitioner, in the event of his



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, S.D.J.M. Bagaha, West Champaran in connection with Complaint Case No. 472C of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition:-

(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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