

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61050 of 2023

Arising Out of PS. Case No.-1021 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

CHHOTA PANDEY @ CHHOTE PANDEY son of Hari Narayan Pandey
Resident of Village- Kawalapur Kavlahi PS - Chautarwa Dist- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi @ Kumari Puja Mishra D/o- Late Arbind Mishra R/O Village-
Naraipur Ward no-13, PS - Bagaha (Patkholi) Dist- West Champaran Present
R/o Village- Kawalapur Kavlahi PS - Chautarwa Dist- West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

7 30-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 341,
504, 506 and 498A/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
notices were received by the mother and son of the opposite
party no. 2 as such the Court by order dated 27.02.2024 held the
notice to be validly served, but then it is submitted that
thereafter the case was taken up on 19.03.2024 when the learned
Coordinate Bench of this Court directed the petitioner to file an
application of jointness with mother and son. It is further



submitted that jointness application has been filed on 09.04.2024.

4. Learned counsel for the petitioner submits that petitioner, being the husband, has been falsely implicated in the instant case by the opposite party no. 2.

5. The complainant alleges that she was married to the petitioner on 12.05.2007, after marriage accused persons started demanding dowry and on refusal accused assaulted her. It is further alleged that in sum and substance, the allegation is that the accused persons including the petitioner tortured and assaulted the complainant for non-fulfillment of dowry demand, hence, complainant fled away from her matrimonial home.

6. Learned counsel for the petitioner submits that the marriage of the petitioner with the complainant was solemnized on 12.05.2007 and the instant complaint case came to be instituted in the year 2022 i.e. after more than 15 years of the marriage. It is further submitted that had the petitioner been torturing the opposite party no. 2 for dowry in that event the opposite party no. 2 would have instituted a case instantly and would not have waited for 15 years. It is next submitted that petitioner performs the work of priest (Pujari) which was not liked by the opposite party no. 2. It is also submitted that



opposite party no. 2 later got a job of accountant as such she was not interested in pursuing her conjugal relation with the petitioner. It is further submitted that petitioner earns through doing rituals while opposite party no. 2 is earning as an accountant on a monthly basis. It is next submitted that opposite party no. 2 despite receiving notice chooses not to appear and contest the case which amply demonstrates that opposite party no. 2 is not interested in restituting her conjugal rights when petitioner is still willing to keep her with honour and dignity.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted on behalf of the petitioner that petitioner earns through performing rituals and opposite party no. 2 is earning a monthly salary as she is employed as an accountant but then such pleadings are not there in the anticipatory bail application.

8. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the



case is pending/successor court in connection with Tr. No. 2187 of 2023 arising out of Complaint Case No. 1021 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if she is not employed and earning a monthly salary.

10. Learned trial court is directed to handover a copy of this order to the learned counsel appearing on behalf of the opposite party no. 2 for her perusal.

(Satyavrat Verma, J)

Kundan/-

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

