

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65965 of 2024

Arising Out of PS. Case No.-893 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Sunil Kumar Chaudhary @ Sunil Choudhary Son of Late Ajay Chaudhary Village- Sadalli, Ps- Rahui, Dist- Nalanda. P/A- Village- Sultanpur, Ps- Noorsarai, Dist- Nalanda
 2. Sanju Chaudhary @ Sajju Chaudhary son of Late Ajay Chaudhary Village- Sadalli, Ps- Rahui, Dist- Nalanda. P/A- Village- Sultanpur, Ps- Noorsarai, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gudiya Kumari Wife of Late Vinay Chaudhary Village- Sadalli, Ps- Rahui, Dist- Nalanda. P/A- Village- Sultanpur, Ps- Noorsarai, Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nitee Ranjan, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP
For the Complainant	:	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Nitee Ranjan, learned counsel for the petitioners, Mr. Pankaj Kumar, learned counsel appearing on behalf of the complainant as well as Dr. Kumar Uday Pratap, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 893(C) of 2023 for the offences punishable under Sections 498(A), 323 and 341 of the Indian Penal Code but the learned Court below has taken cognizance under Sections 498(A)/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners tortured the complainant



after her husband's death and ousted her from her matrimonial house after taking all her belongings and also demanded Rs. 2 lakhs from the parents of the complainant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offences as alleged in the complaint petition.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that after the death of the husband of the complainant, the petitioners tortured the complainant and also demanded Rs. 2 lakhs from her family members.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nalanda at Bihar Sharif in



connection with Complaint Case No. 893(C) of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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