

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70631 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

Karu Chaudhary Son of Ram Bachan Chaudhary R/O Vill.- Horidih ,P.S.-
Neemchak Bathani, Dist.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kiran Devi Wife of Karu Chaudhary R/O Vill.- Horidih, P.S.- Neemchak Bathani, Dist.- Gaya, At Present R/at Vill.- Tetuwa Tandpar, P.S.- Tetuwa, Dist.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-10-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Neemchak Bathani P.S. Case No. 100 of 2024 dated 16.05.2024 registered for the offences punishable u/ss 341, 342, 323, 498A, 313, 504 and 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant was married with the petitioner five years ago and after marriage, a child was born. It is further alleged that the petitioner was in illicit relation with one Sarita Devi and when the informant raised the objection then the accused persons including the



petitioner assaulted the informant. The co-accused, Daulti Kumari and Indu Devi assaulted the informant in her stomach due to which the blood started oozing. Thereafter, the informant's husband and her father-in-law called a nurse in his house who said that the child had died and thereafter, the nurse started the treatment of the informant but she was in a critical condition. The informant informed her *maike* then the petitioner and the co-accused persons locked her in a room and tried to burn her by sprinkling kerosene oil. Thereafter, the brother and the mother of the informant came to the matrimonial home of the informant but they were also abused and assaulted by the accused persons and further they told that the informant fled away from the house.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and 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 informant and he is ready to keep the informant as his wife with all dignity and honour. The petitioner is neither demanded any dowry nor tortured the informant. The petitioner has no concern with the alleged offence. 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 submitted that Section 498A of the IPC is triable by the Magistrate. 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. The petitioner is in custody since 30.05.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Gaya in connection with Neemchak Bathani P.S. Case No. 100 of 2024 with the 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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