

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74356 of 2023

Arising Out of PS. Case No.-1740 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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CHANDAN KUMAR SINGH SON OF BHOLA SINGH RESIDENT OF
VILLAGE - RANWAY, P.S. - KEOTI, DISTRICT - DARBHANGA,
PRESENTLY RESIDING AT D-66, SHIV ENCLAVE, DICHAN ROAD,
NAJAFGARH, NEW DELHI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KUMARI NIBHA WIFE OF CHANDAN KUMAR SINGH RESIDENT OF
VILLAGE - KANSI, P.S. - SIMRI, DISTRICT - DARBHANGA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 05-03-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.2. Despite valid service of notice upon the Opposite Party
No. 2, no one appears on her behalf.3. This application, for grant of anticipatory bail, arises out
of C. R. No. 1740 of 2019 (T. R. No. 2479 of 2022), in
which cognizance has been taken for the offences
punishable under Sections 323/498-A/34 of the Indian
Penal Code and Section 4 of the Dowry prohibition Act.4. The prosecution case, as per the complaint lodged by the
Opposite Party No. 2, is that the marriage of the |
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complainant-Opposite Party No. 2 was solemnized with the petitioner on 26.11.2015. It has been alleged that after marriage, the accused persons, including the petitioner, started demanding Rs. 10,00,000/- as dowry and due to non-fulfillment of the said demand, all the accused persons, including the petitioner, tortured the complainant-Opposite Party No. 2, physically as well as mentally and lastly ousted her from her matrimonial home.

5. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and it is Opposite Party No. 2-complainant who does not want to live with the petitioner. He next submits that the Opposite Party No. 2 left her matrimonial home in April, 2019 and the present complaint has been filed in November, 2019. The allegation against the petitioner and other accused persons are general and omnibus in nature. After filing of the present complaint, the Opposite Party No. 2 has also filed a maintenance case before the learned Principal Judge, Family Court, Darbhanga, on 26.02.2022, which is still pending.
6. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the omnibus nature of allegation and the fact that the petitioner is ready to keep the Opposite Party No. 2-complainant with full honour and dignity and despite valid service of notice, no one appeared on behalf of the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Darbhanga, in connection with C. R. No. 1740 of 2019 (T. R. No. 2479 of 2022), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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