

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85524 of 2023

Arising Out of PS. Case No.-539 Year-2022 Thana- ATRI District- Gaya

Rajesh Chaudhary Alias Rajesh Kumar son of Hira Chaudhary @ Mahendra Chaudhary R/o Village- Barakar, P.S.- Rajgir, Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari wife of Rajesh Chaudhary @ Rajesh kumar and D/o Mishri Chaudhary R/o Village- Surajpur, P.S.- Atari, Dist.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-07-2024 Despite valid service of notice, nobody appears on behalf of the O.P. No. 2.

2. Heard learned counsel for the petitioner and the State.

3. The petitioner apprehends arrest in a case registered for the offences punishable under Sections 498(A), 323, 324, 406, 506, 554/34 of the Indian Penal Code.

4. As per prosecution case, O.P. No. 2 was married with the petitioner in the year 2011 but after 10 months of marriage, all the named accused persons including this petitioner started torturing and harassing the O.P. No. 2 due to non-fulfillment of demand of dowry.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the O.P. No. 2 and present case has been lodged due to petty family dispute. There is general and



omnibus allegation of commission of assault against him. It is further submitted that petitioner is ready to keep the O.P. No. 2, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a 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**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Considering the aforesaid facts and circumstances, this anticipatory bail is allowed and it is ordered that 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Atri P. S. Case No. 539 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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