

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24421 of 2025

Arising Out of PS. Case No.-1451 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Bharat Kumar Chaudhary @ Bharat Chaudhary Son of Late Bhagwan Prasad
Resident of- Patar, P.S.- Raghunathpur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumari wife of Bharat Kumar Chaudhary @ Bharat Chaudhary village-
Bishambharpur, Po- Dharmparsa, Ps- Majagadh, Dist- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-09-2025 Heard learned counsel for the petitioner, the State as
also the complainant.

2. The petitioner apprehends his arrest in connection
with Trial No. 2211 of 2024 arising out of Complaint Case No.
1451 of 2023 for the offence registered under sections 498(A) of
IPC and 3/4 of Dowry Prohibition Act.

3. As per the case, the marriage with the petitioner
was solemnized in the year 2021 but she was always tortured for
dowry and finally ousted from the house. This led to the present
case.

4. After rejection of the anticipatory bail by the
learned Sessions Judge, when despite the undertaking given by



him to take his wife home, he chose to leave her at Thawe, now good sense has prevailed upon him and a categorical statement has been made in paragraphs 9 and 10 that he wants to continue his marital status with his wife with full dignity and honour if she is still willing to live with him.

5. The complainant has appeared and submits that having married the petitioner in the year 2021, she is very much ready to continue with her marriage and also made the same desire before the learned Sessions Judge but was left stranded at Thawe.

6. Learned counsel for the petitioner submits that he has made a sincere effort and if changes his track, the complainant shall be free to take recourse to the cancellation of the bail bonds, if granted relief.

7. In that background and on the undertaking given by the petitioner, this Court for the sake of marriage, allows the present petition with condition that the lady-complainant namely, Arti Kumari shall be present physically before the Court when the petitioner files his bail bond along with her credentials.

8. The Court concerned shall enquire from the lady on the treatment that she has received after reaching the home of



the petitioner before accepting the bail bond.

9. It is expected that the petitioner shall take immediate steps for taking her back home.

10. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Gopalganj in connection with Trial No. 2211 of 2024 arising out of Complaint Case No. 1451 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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