

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36247 of 2025

Arising Out of PS. Case No.-2507 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Santosh Chaudhary @ Santosh Kumar S/o- Subodh Chaudhary, Resident of
Village- Mohanpur, P.S.- Pear District-Muzaffarpur. Petitioner/s
Versus

1. The State of Bihar.
2. Amrita Devi D/o- Deepnarayan Chaudhary, W/o- Santosh Chaudhary
Resident of Village- Mohanpur, Post- Bariyarpur, P.S.- Pear District-
Muzaffarpur, At Present R/o Village- Chorniya Post - Chiraila P.S.- Gaighat
Dist- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 03-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in F.I.R. and

apprehending his arrest in connection with Complaint Case

No. 2507 of 2017, registered for the offences punishable

under Sections 341, 323, 498(A), 379, 406, 376, 511,

504/34 of the Indian Penal Code read with Section 3/4 of

Dowry Prohibition Act.

3.The allegation against the petitioner is to commit

cruelty upon the complainant alongwith family members,



where an attempt *qua* rape was made by father of this petitioner, who is none but the father-in-law of the complainant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is the husband and out of allegation alleged to be committed for cruelty in the background of dowry demand, the present false implication of rape was raised against the father of this petitioner. It is submitted that admittedly this petitioner is the husband of the complainant.

5. It transpires upon perusal of record that notice could not served, despite the best efforts to the complainant for the reason that she does not available at given address since last four years.

6. Learned APP while opposing the prayer of bail fairly conceded that the allegation of rape attempt is not available against this petitioner, who is the husband.

7. Considering the aforesaid facts and circumstances and by taking note of fact as the allegation *qua* attempt of rape is not available against this petitioner in



the admitted background of marriage, where petitioner is the husband, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I, Muzaffarpur/concerned Court, where the case is pending in connection with Complaint Case No. 2507 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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