

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73902 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- MAHILA P.S. District- Saharsa

Neeraj Choudhary Son of Kaushal Narayan Choudhary R/O Vill.- Mahishi,
Ward no. 07, P.S.- Mahishi, Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sangeeta Kumari Wife of Neeraj Choudhary R/O Vill.- Mahishi, Ward no. 07, P.S.- Mahishi, Dist.- Saharsa. Presently D/O Hareram Khan, Village and P.S.- Vangaun, Dist.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prasoon Kumar, Advocate
For the State	:	Mr. Madan Kumar, APP
For the O.P. No. 2	:	Mr. Kanchan Jha, Advocate
		Mr. Nishant Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 Heard Ld. counsel for the petitioner, Ld. APP for the

State and learned counsel for the O.P. No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Saharsa Mahila P.S. Case No. 11 of 2024,
filed for the offence punishable under Sections 341, 323,
498(A), 504, 506 read with Section 34 of the Indian Penal Code.

3. As per allegation, after the marriage, the informant
wife was subjected to cruelty on account of non-fulfillment of
additional demand of dowry. It is also alleged that the informant
wife has been ousted from her matrimonial home and presently,
she is living at her parents' home along with her minor daughter.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that on account of matrimonial discord, this false case has been lodged against the petitioner. He also submits that a divorce petition has been filed by the petitioner against the informant.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent, in which he is on bail.

7. However, Ld. APP for the State and learned counsel for the O.P. No. 2 vehemently oppose the prayer of the Petitioner for bail.

8. From the alleged facts and circumstances of the case and rival submissions of the parties, it transpires that there is matrimonial discord between the parties and hence, better course for them is to move Family Court to resolve their disputes.

9. Accordingly, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of



his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sub Divisional Judicial Magistrate, Saharsa, in connection with Saharsa Mahila P.S. Case No. 11 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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