

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89034 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

KANHAIYA CHAUDHARI S/o- Radha Mohan Chaudhari Village-
Sarangpur Ps- Ara Muffasil Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanamuni Devi W/o- Ram Ayodhya Choudhari Village- Sarangpur Ps- Ara Muffasil Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner : Ms. Malti Kumari, Advocate
For the State : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 498A and 34 of the Indian Penal Code.

3. As per prosecution case, informant got married with one Ram Ayodhya Choudhari. After some years of marriage, husband of informant left her and got married with another woman for which a case is pending before the learned Civil Court. Thereafter the informant returned to her father's house and used to reside at her *Maika*. In the meantime, this petitioner came in contact with the informant and used to talk to her on mobile phone and on the false promise of marriage, he



established physical relations with the informant for four days. On information, the police arrived and thereafter got this petitioner married with the informant in their presence in the temple of *Thana* on 19.12.2023 and thereafter, all the F.I.R. named accused persons, including this petitioner, tortured the informant for dowry and refused to keep her.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. From bare perusal of the F.I.R. it is apparent that informant is married with one Ram Ayodhya Choudhary and a case for that is also pending before the learned Civil Court and as such there is no question of marriage or demand of dowry. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that on the false promise of marriage, he established physical relations with the informant and even after marriage, committed torture and harassment due to non-fulfillment of demand of dowry and later on refused to keep her.

6. Considering the aforesaid facts and circumstances, specific and direct nature of accusation against this petitioner



who happens to be husband of the informant, the fact that he established physical relations with the informant on the false pretext of marriage and even after the marriage was solemnized by the police, he committed torture and refused to keep the informant, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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