

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32366 of 2026

Arising Out of PS. Case No.-10 Year-2019 Thana- TANKUPPA District- Gaya

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Ashok Chaudhary @ Ashok Kumar Chaudhary S/o Mathura Chaudhary
Resident of Village - Maher, P.S. Tankuppa, District - Gaya ji.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari W/o Ashok Choudhary Resident of Village - Maher, P.S.
Tankuppa in the District of Gaya Ji.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate Mr. Manoj Vatsal, Advocate
For the State	:	Mr.Sanjay Kumar Tiwary, APP
For O.P. No. 2	:	Mr. Deepak Kumar, Advocate Mr. Bishwanath Mahto, Advocate Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-05-2026 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel appearing on behalf

of the informant-opposite party no. 2.

02. In the present case, the petitioner seeks bail in
connection with Tankuppa P.S. Case No. 10 of 2019 registered
for the alleged offences under Sections 498A, 341, 323, 379,
504, 506/34 of the Indian Penal Code and Section 3/4 of Dowry
Prohibition Act.



03. As per prosecution case, the petitioner married with opposite party no. 2 and the allegation against the petitioner and other co-accused persons is that they had been demanding Rs.One lakh in dowry and tortured the informant. In one such assault the informant received injury and was even hospitalized.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence in the manner as alleged has ever taken place. The petitioner earlier approached this Court for grant of anticipatory bail and he was given privilege of anticipatory bail vide order dated 26.11.2019 passed in Cr. Misc. No. 45879 of 2019. Thereafter, the order was modified vide order dated 07.07.2020 passed in Cr. Misc. No. 6393 of 2020. However, one of the conditions was that the petitioner was to make payment of Rs.5,000/- per month to the informant towards her maintenance. For violation of the said condition, the bail bond of the petitioner was cancelled and he was taken in custody on 26.01.2026. Learned counsel further submits that the imposing condition of payment of maintenance amount at the time of considering of prayer for bail was held to be irrelevant by Hon'ble Apex Court in the case of Srikant Kumar @ Shrikant



Kumar Vs. The State of Bihar in SLP (Crl.) No. 13083 of 2023.

Learned counsel further submits that the allegations are false and concocted and the petitioner is ready to keep his wife with honour and dignity. The petitioner is having antecedent of two criminal cases of similar nature. The petitioner is in custody since 16.01.2026 and charge sheet has been submitted.

05. Learned APP as well as learned counsel appearing on behalf of the informant-opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner has earlier violated the terms of earlier bail order allowing him the privilege of anticipatory bail and therefore, the petitioner does not deserve any sympathy. Learned counsel further submits that the petitioner is not genuinely interested in settlement and has solemnized another marriage. Learned counsel further submits that the petitioner did not take care of the informant or their son and has not paid any maintenance amount to them though the informant has already filed Maintenance Case No. 96 of 2019 in the court of learned Principal Judge, Family Court, Gayaji.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge



sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Gaya Ji/concerned Court in connection with Tankuppa P.S. Case No. 10 of 2019, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

07. However, the petitioner will appear in Maintenance Case No. 96 of 2019 before the learned Principal Judge, Family Court, Gaya Ji and the learned Family Court is directed to refer the matter of the petitioner and the informant to a learned Mediator for exploring the possibility of settlement



and if the petitioner fails to appear before the learned Family Court, action would be taken against the petitioner by the said Court.

(Arun Kumar Jha, J)

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