

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40460 of 2026

Arising Out of PS. Case No.-1432 Year-2025 Thana- PHULWARISHARIF District- Patna

Lallu Kumar Choudhary @ Lalu Choudhary S/o Late Mahesh Choudhary
Resident of Village- Goriya Dera, ward No 12, P.S.- Phulwarisharif, Distt-
Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi W/o Lallu Kumar Choudhary @ Lalu Choudhary R/o Vill-
Goriya Dera, Janipur Road, P.S.- Phulwarisharif, Distt- Patna, at present D/o
Sidheshwar Choudhary R/o Vill- Lai, P.S.- Bihta, Distt- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Sunidhi Vimal, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. Despite valid service of notice upon Opposite Party
No. 2, none appears on her behalf.

3. The petitioner, who happens to be the husband of
Opposite Party No.2, is apprehending his arrest in connection
with Phulwarisharif P.S. Case No.1432 of 2025 registered for
the offences punishable under Sections 115(2), 74, 85, 352 and
3(5) of the BNS.

4. The prosecution case, as alleged in the FIR, is that
the marriage between the parties was solemnized in the year
2017. It is alleged that the petitioner and his family members



subjected the informant to cruelty on account of persistent demand for dowry and, upon non-fulfilment of the said demand, tortured her in various ways and finally ousted her from her matrimonial home.

5. Learned Advocate for the petitioner submitted that, in fact, the marriage between the petitioner and Opposite Party No. 2 was solemnized on 29.01.2015, and out of the wedlock they have been blessed with two children. It is contended that, in the facts and circumstances of the case, the allegation of demand for dowry after more than a decade of marriage appears to be unfounded and has been levelled with an oblique motive. The petitioner has always been willing to keep his wife with full honour and dignity, but despite the lapse of more than eleven years of marriage, she has chosen not to reside with the petitioner and his family members without any justifiable reason. It is also argued that although the alleged acts are stated to have occurred on various occasions, the FIR came to be instituted belatedly and was forwarded to the Court after an unexplained delay of twelve days. The petitioner bears fair antecedent.

6. On the other hand, learned Advocate for the State vehemently opposed the prayer for anticipatory bail and



submitted that specific allegation of cruelty and demand for dowry have been levelled against the petitioner, who, being the husband, was under a legal and moral obligation to maintain and treat his wife with dignity and respect, but failed to discharge the same.

7. Having considered the rival submissions and taking note of the nature of the allegations, the fact that the matrimonial relationship has subsisted for more than a decade, the existence of two children born out of the wedlock, and the delay in institution of the FIR as well as its forwarding to the Court and the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna in connection with Phulwarisharif P.S. Case No.1432 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

8. However, it is made clear that the learned court below shall make sincere endeavours to explore the possibility



of an amicable settlement and reconciliation between the parties, if they are willing to do so.

(Harish Kumar, J)

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