

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69807 of 2024

Arising Out of PS. Case No.-1666 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Anil Choudhary @ Anil Kumar S/o- Raghunath Choudhary R/o Village- Bara Sumera Ward No 14, PS- Kurhani District- Muzaffarpur. Petitioner/s
Versus

1. The State of Bihar.
2. Puja Kumari wife of Anil Choudhary @ Anil Kumar R/o Village- Bara Sumera Ward No 14, PS- Kurhani District- Muzaffarpur and daughter of Late Maheshwar Choudhary, R/o Village- Gadhampur, P.S. N.H. Bangra, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Complaint Case No. 1666/2023, T.R. No.

2665/24 registered for the offences punishable under Sections

341, 323, 504, 406, 420, 498A, 307, 506/379 of the Indian

Penal Code and Section 3/4 of D.P. Act.

3. The allegation against the petitioner is to commit

mental and physical cruelty upon the complainant alongwith other

co-accused persons/family members due to non-fulfillment of

demand of one motorcycle and cash of Rs. 50,000/- as dowry.



4. It is submitted by learned counsel appearing on behalf of the petitioner that the allegation as raised through present complaint cannot be said correct legally for the reason that same appears not supported by affidavit contrary to the legal position settled through legal report of Hon'ble Supreme Court as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***. It is submitted that the allegation *qua* committing physical and mental cruelty is appearing very much general and omnibus in nature against petitioner. In this context, it is further pointed out that last occurrence alleged to be taken place on 07.08.2023 but the complaint in issue was lodged on 11.08.2023, without making any effort to lodge this case with police. Petitioner claimed clean antecedent.

5. Learned APP, duly assisted by learned counsel appearing on behalf of the complainant/opposite party no. 2, while opposing the prayer of bail submitted that the petitioner being husband committed physical and mental cruelty upon opposite party no. 2.

6. In view of aforesaid factual submissions and by taking note of fact as allegation *qua* committing physical and mental cruelty appears very much general and omnibus in nature against petitioner coupled with the fact that complaint not appears



supported by affidavit in terms of **Priyanka Srivastava case (supra)**, 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 10th Additional District & Sessions Judge, Samastipur/concerned Court, where the case is pending in connection with Complaint Case No. 1666/2023, T.R. No. 2665/24 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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