

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 1856 of 2016

Laxman Kumar Choudhary

..... **Petitioner**

-Versus-

1. The State of Jharkhand
2. Smt. Soni Devi

..... **Opposite Parties**

CORAM : HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner : Mr. S.K.Sinha, Advocate
For the State : APP

02/31.05.2016

Heard learned counsel for the petitioner as well as learned counsel for the State-APP.

Anticipatory bail application has been filed on behalf of petitioner namely Laxman Kumar Choudhary who is apprehending his arrest in connection with C.P. Case No. 684 of 2014 for the offence registered U/Ss. 498(A), 448,323,34 IPC and 3/4 D.P. Act

Learned counsel for the petitioner has submitted that marriage of the complainant was solemnized with the petitioner on 23.5.2013. Complainant has alleged that subsequently a demand of Rs. 2 lakh was made. She has also said that a panchayati was also held which has been denied by the counsel for the petitioner. Further counsel for the petitioner has also said that in her solemn affirmation in para 4 she has stated that she does not want to go in her in law's place and even she is not willing to stay in Delhi. Counsel for the petitioner has also said that prior to the complaint case, he had filed a Title Matrimonial Suit on 21.9.2013 u/s 9 of the Hindu Marriage Act for restitution of conjugal rights. He has submitted that in her written statement filed on 8.8.2014 at paragraph 14 she has stated that petitioner has illicit relationship with another girl. Subsequently, on 25.9.2014 she had filed a complaint case. He has further referred to annexure III deposition of the father of the complainant wherein he has submitted that the petitioner is impotent and he did not have this information before marriage. He further referred to annexure V which is a Medical Report and as per medical report petitioner is not impotent. He has said that it is apparent that complaint case was filed after lapse of one year of filing of Title Matrimonial Suit and she herself admitted that she does not want to live with her husband. Hence, petitioner deserves to be enlarged on anticipatory bail.

Learned A.P.P. opposes the prayer for bail.

Having heard counsel for both sides and considering the facts and circumstances of the case, the petitioner above named is directed to surrender in

the court below within three weeks from today and in the event of his arrest/surrender, the court below is directed to enlarge him on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Bokaro in connection with C.P. Case No. 684 of 2014 , subject to the conditions as laid down under section 438 (2) of the Code of Criminal Procedure.

(Ratnaker Bhengra, J.)

Nibha/