

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5115 of 2016

Arising Out of PS.Case No. -19 Year- 2015 Thana -BASOPATTI District- MADHUBANI

=====

1. Dilip Jha @ Dilip Kumar Jha Son of Bedanand Jha Resident of village - Jhitkohiya, P.S. Basopatti, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Anjana Devi Wife of Dilip Jha Resident of village - Jhitkohiya, P.S. Basopatti, District - Madhubani

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 17-05-2016 Notices were issued to opposite party no. 2 vide order dated 30.01.2016. The office notes dated 16.05.2016 suggests that since opposite party no. 2 has gone out of State hence, house service of notice affected. Service report of registered cover has not been received till date. In view of the above, notices issued to opposite party no. 2 deemed to be validly served.

Though, the matter has been listed under the heading for orders on Office Notes but the matter is being taken up on merits.

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections

147, 498A, 342, 323, 326 of the Indian Penal Code.

The basic accusation is of torture after 16 years of marriage and assaulting the informant with hammer.

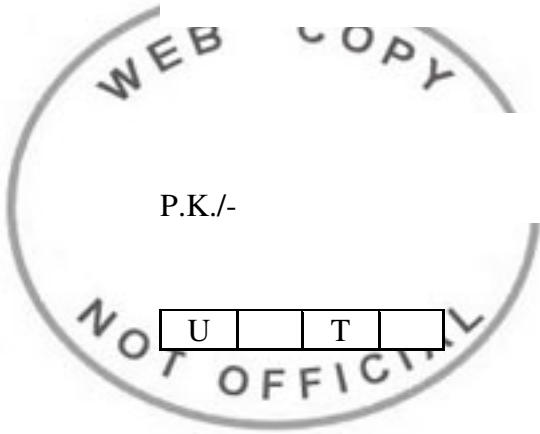
It is submitted by the learned counsel for the petitioner that for a petty dispute the accusation has been levelled and the petitioner admits his marriage with the informant and is ready to keep the informant as wife with due dignity and honour. Statement to that effect has been made in para-14 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife (Opposite Party No. 2) with full honour and dignity. It is stated that both his childrens are living with the family members of the petitioner. It is further stated that the O.P. No. 2 being in a weak mental condition has been instigated by her neighbours and thus the present false case has been lodged against the petitioner and his family members.”

Considering the present stand 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 twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri Ravi Shankar Kumar, J.M., Ist Class, Madhubani in connection with Basopatti P.S. Case No. 19 of 2015, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

If the informant files an application expressing willingness to resume conjugal life then petitioner

will be obliged to comply the undertaking given before the court.



(Dinesh Kumar Singh, J)