

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24734 of 2016

Arising Out of PS.Case No. -535 Year- 2015 Thana -KRITYANAND NAGAR District- PURNIA

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1. Dhiraj Kumar Jha @ Nikhil Jha Son of Binay Bhushan Jha resident of village- Budhma, P.S.- Alamnagar, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari W/o Dhiraj Kumar Jha @ Nikhil Jha, D/o Surendra Nath Jha Resident of village- Chunapur, P.S.- K. Nagar, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar
For the Opposite Party/s : Mr. Kalyan Shankar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 14-06-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with K. Nagar Police Station Case No. 535 of 2015 registered for the offences punishable under Sections 498A, 494, 307/34 of the Indian Penal Code.

Petitioner happens to be husband of the informant and his marriage with the informant was solemnized in the year 2002. Thereafter, the informant gave birth to two children out of the aforesaid wedlock. It is also alleged in the written report that petitioner used to torture the informant due to non-fulfillment of illegal demand and the dispute of the petitioner and informant was

referred to police and, subsequently, petitioner agreed to lead his conjugal life with the informant. However, the petitioner solemnized his second marriage with a lady namely, Kavita Kumari.

Learned counsel for the petitioner submits that the allegation against the petitioner of solemnization of second marriage is totally baseless and false and, as a matter of fact, the petitioner is still ready to keep the informant with full honour and dignity but it is informant, who does not want to lead her conjugal life with the petitioner as she is only daughter of her father and she is pressurizing the petitioner to part his way from other members of his family.

Considering the facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands disposed of with direction to the petitioner to surrender before the court of learned Chief Judicial Magistrate, Purnea, in connection with K.Nagar P.S.Case No. 535 of 2015 within four weeks from the date of receipt/ production of a copy of this order and if petitioner does so, the learned Chief Judicial Magistrate, Purnea shall release the petitioner on provisional bail for the period of three months on furnishing bail bonds of Rs. 3000/- with two sureties on his own satisfaction and shall also issue notice to the

informant fixing the date for conciliation and shall take all possible steps to resolve the dispute of the parties.

However, it is made clear that if the learned Chief Judicial Magistrate, Purnea fails in his attempt, due to rigid and non-co-operative approach of the petitioner, the provisional bail granted to the petitioner shall not be extended by the learned court below but if he fails in his attempt, due to rigid and non-co-operative approach of the informant, the provisional bail granted to the petitioner shall be confirmed by the learned court below itself. It goes without saying that if learned Chief Judicial Magistrate, Purnea succeeds in his attempt in resolving the dispute of the parties, provisional bail granted to the petitioner shall be confirmed by the learned court below on its own level.

(Hemant Kumar Srivastava, J)

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