

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 46793 of 2016

Arising out of P.S. Case No. - 2789 Year - 2011 Thana - VAISALI COMPLAINT CASE District - VAISHALI (HAJIPUR)

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Ram Naresh Jha, Son of Late Narayan Jha, Resident of Village Nari Kala, Police Station Tishiauta, P.O. Nari Khurd, District Vaishali at present Govt. Quarter No. 36/48 Shastri Nagar, Patna, Police Station Shastri Nagar, District Patna

.... Petitioner

Versus

The State of Bihar & Anr.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satish Narayan Sinha, Advocate

For the Opposite Party : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-10-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the father of the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 3/4 Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that initially the complainant filed Complaint Case No. 266 of 2005 before the learned Chief Judicial Magistrate, Samastipur wherein the processes were directed to be issued after cognizance being taken under Sections 498(A), 323, 494 and 34 of the Indian Penal



Code on 05.01.2005 by the learned Sub-Divisional Judicial Magistrate, Samastipur. The said order was under challenge in Cr. Misc. No. 109 of 2008 wherein a co-ordinate Bench of this Court quashed the order of cognizance and the proceeding of Complaint Case No. 266 of 2005 since Samastipur court has no territorial jurisdiction. However, the complainant was given liberty to file the complaint before the appropriate court and consequently the present complaint has been filed. It is submitted by learned counsel for the petitioner that in the earlier complaint the petitioner was granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 30.08.2006 passed in Cr. Misc. No. 31579 of 2006.

Considering the fact that in the earlier complaint, with similar accusation the petitioner was granted anticipatory bail and the present complaint has been filed since the order of cognizance of the earlier complaint was quashed by a co-ordinate Bench of this Court, let the above named petitioner be released on anticipatory 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 Sub-divisional Judicial Magistrate, Hajipur in connection with

Complaint Case No. 2789/2011/Tr. No. 4363 of 2014, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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