

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44601 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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Niraj Kumar Jha Son of Yamuna Nand Jha Resident of Village-Narayanpur,
Police Station - Bhaptiyahi, District Supaul

.... Petitioner/s

Versus

The State of Bihar Doli Devi, Wife of Niraj Kumar Jha, Daughter of
Vinodanand Mishra resident of Mirdol, P.O.-Forbesganj, P.S.-Narpatganj,
District-Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 504, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. At earlier point of time, the informant filed Complaint Case No. 924C /2011 which ended into a compromise but subsequently she deserted the petitioner then the petitioner filed Matrimonial Suit No.44/2016 with a prayer for divorce on



13.03.2016 and thereafter the present FIR was registered on 21.04.2016.

This Court vide order dated 17.10.2016, issued notices to the informant opposite party no.2. Consequently, the informant entered appearance through Mr. Ram Naraya Mahto, learned counsel, AOR No. 1356.

This Court vide order dated 30.01.2017, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 17.03.2017, kept at 'Flag-C' reflects that in spite of issuance of notice to opposite party no.2 during mediation she does not appear, as a result, the mediation failed. Thereafter, this Court vide order dated 20.03.2017 adjourned the matter, as a last indulgence, on prayer of opposite party no. 2 to enable opposite party no.2 to appear. But, today, on call, neither opposite party no.2 nor her learned counsel is present.

A supplementary affidavit has been filed annexing the certificates of Mukhiya and Sarpanch of Gram Panchayat Dubiyahi, Prakhand-Pipra (Supaul) to the effect that opposite party no.2 has married with one Subhash Kumar Mishra.

Considering the fact that on joint prayer of the parties



the matter was referred to Mediation, the opposite party no.2 chose not to appear before the Mediation Centre and coupled with the fact that opposite party no.2 has performed second marriage and the said contention has not been controverted on behalf of the opposite party no.2 as none is appearing on behalf of her since last two occasions, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., IV, Supaul, in connection with Mahila P.S. Case No. 38 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ranjan/-

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