

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11500 of 2017

Arising Out of PS.Case No. -283 Year- 2016 Thana -SHASTRINAGAR District- PATNA

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1. Avinash Jha Son fDhananjay Jha, Resident of Flat No. 203, Veena Shree Apartment, New Puniachak, P.S.-Shastrinagar, District-Patna-800023, at Present 35,B, Bagspannarevagen, Sandviken-80060, Sweden.

.... Petitioner/s

Versus

1. The State of Bihar
2. Tanushree Sandily Jha, Wife of Avinash jha, D/o Amarnath Mishra, Resident of 203, Dhaneshwar Herigage, Priya Darshi Nagar, P.S.-Rupaspur, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 22-03-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Shastrinagar Police Station Case No. 283 of 2016, disclosing offences under Section 498(A) of the Indian Penal Code and Section 3/4 of the D.P. Act.

Learned counsel for the petitioner has submitted that the petitioner, who happens to be husband of the informant, is innocent and has not committed any offence in any manner. In fact, earlier with consent of both the parties, a divorce case was filed in the year 2013 and, accordingly, they obtained a decree of



divorce, which is evident from Annexure-2. Thereafter, O.P. No.2 has also raised a dispute for custody of child. The manner and series of cases shows the malice intention of the informant only. No case of assault or demand of dowry is made out against the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Patna, in connection with Shastrinagar Police Station Case No. 283 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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