

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45248 of 2015

Arising Out of PS. Case No.-81 Year-2013 Thana- COMPLAINT CASE District- Jamui

Rakesh Kumar Jha, S/o Yadunandan Jha, R/o Village- Manikpur, P.S.-
Tarapur, District- Munger (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Poonam Jha, D/o Dayanand Jha, W/o Rakesh Kumar Jha, Resident of Village-
Manikpur, P.S.- Tarapur, District- Munger at present village- Gidhour, P.S.-
Gidhour, District- Jamui (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Roshan Kumar Mishra, Adv.
For the State	:	Mr. Ashok Kr.Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-04-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 323 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

The present application is of the year 2015. The present case referred to the Mediation Centre, Patna High Court for reconciliation/settlement between the parties and was to be listed after disposal of Cr.Misc.No.34805 of 2014 filed under



Section 482 Cr.P.C.

It has been submitted on behalf of the petitioner that reconciliation/settlement between the parties have failed before the Mediation Centre. So far the aforesaid application under Section 482 Cr.P.C. was concerned, the prosecution in respect of co-accused Urmila Devi and Yadunandan Jha has been quashed and the prosecution of the petitioner is still pending.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jamui in connection with Complaint case No.81(c) of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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