

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31776 of 2019

Arising Out of PS. Case No.-94 Year-1991 Thana- COMPLAINT CASE District- Supaul

VIDYA NAND JHA Son of Kartik Jha Resident of Village - Madhubani, P.S.-
Balua Bazar, District - Saharsa

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mahima Devi Wife of Vidya Nand Jha Resident of Village - Madhubani, P.S.- Chatapur, District - Saharsa, at presently residing Daughter of Kapleshwar Jha, Resident of Village - Malarh, P.S.- Kishanpur, District - Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akhouri Vipin Bihari Shrivastava
		Ms. Patla Kumari, Advocate
For the Opposite Party/s	:	Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 14-05-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case P.S. Case No. 94(C) of 1991/121C of 2002, registered for the offences punishable under Sections 494, 147, 342, 323, 379, 506, 498(A) of the Indian Penal Code.

Petitioner who happens to be the husband of the complainant, is said to have tormented her over the demand of dowry and performed second marriage and drove her out of the marital house.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. Mandatory requirement for issuing of process under Section 82/83 of the Cr.P.C. was not followed against him. The complainant is handicapped. As the complainant failed to give birth male issue, on consent of the complainant petitioner performed second marriage and after several years of marriage the complainant has filed this false and frivolous case against the petitioner.

On the other hand, learned A.P.P for the State vehemently opposing the anticipatory bail petition submitted that petitioner happens to be the husband of the complainant. The impugned order indicates that process under Section 82/83 has been issued against the petitioner thrice to procure his present in the case. Moreover, the accused persons have also put their appearance in the complaint case and filed application under Section 205 of the Cr.P.C. by that way the petitioner has full knowledge of the case from very beginning. The case is of 1991 but petitioner has filed this anticipatory bail petition after 28 years, hence, aforesaid petition is not maintainable.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

However, the petitioner is directed to surrender before



the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass appropriate order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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