

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35082 of 2019**

Arising Out of PS. Case No.-8 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Sharwan Jha @ Shrawan Kumar Jha, Son of Sri Bibhuti Nath Jha, Resident of
Village - Mahrail, P.S.- Rudrapur, Distt - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Archana Kuamri, D/o Sri Ganesh Jha, Resident of - C/O - Sri Ganesh Jha, Mithila Xolony, Nasari Ganj, P.O.- Bataganj, P.S.- Danapur, Distt - Patna, Pin - 800018.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-08-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 08 (C) of 2018, disclosing offences under Sections 498A, 323, 504 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner, who happens to be the husband of the complainant of torturing her and allowing his friend to outrage her modesty, for that, she has filed an application before the Protection Officer and accordingly, the petitioner was directed to pay Rs. 8000/- per month to her. The The villagers were trying to pacify the matters but there is no result on that, and she was compelled to reside her *maike*.

Submission of learned counsel for the petitioner is



that the whole allegation is false and concocted. He was subjected various types of torture and as she even used to make complain in the office of the petitioner making various types of allegation and later on went to Mahila Help Line where both the parties were directed to live separately and petitioner was directed to pay Rs.8000/- per month to her and he is paying the same to her. Petitioner has also filed a divorce case before the Family Court, Patna.

On the other hand, the opposite party no.2 has appeared and submitted that the order for maintenance of Rs.8000/- was passed by the Mahila Help Line, which has not been paid regularly and a case of maintenance is still pending before the Family Court, Patna.

Having heard both sides, considering the allegation and counter allegation as well as a divorce case is still pending, 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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M. Danapur, Patna, in connection with Complaint Case No. 08 (C) of 2018, subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure with the condition that he will continue to pay Rs.8000/- per month to the opposite party no.2 till the matter is finally adjudicated in maintenance case.

It is also made clear that failure to payment of maintenance continuously for three months, the opposite party no.2 shall be at liberty to move for cancellation of the bail bonds of the petitioner before the court below itself.

With the aforesaid observations, this application is allowed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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