

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40187 of 2019

Arising Out of PS. Case No.-68 Year-2018 Thana- MAHILA P.S. District- Banka

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MOHIT MADAN KISHORE JHA @ MOHIT KUMAR Son of Madan Kishore Jha Resident of Mohalla - Purani Thakurbari Banka, P.S. - Banka, District - Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anu Kumari Daughter of Ashok Kumar Jha Resident of Mohalla - Bhootnath Mandir, P.O.- Purnia, P.S. - K. Hat, District and Town - Purnia.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2019 This application, for grant of anticipatory bail, arises out of Banka (Mahila) P.S. Case No. 68 of 2018, disclosing offences under Sections 498(A), 341, 323, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the opposite party no. 2 and allegation against the petitioner and others is of demand of dowry from the informant – opposite party no. 2 and due non fulfillment of the said demand, the opposite party no. 2 was subjected to torture and assault and, thereafter, the petitioner went to Dubai and informant also came back to her maike along with her father and the petitioner is not even paying the amount towards her maintenance.

Submission of learned counsel for the petitioner is that no specific allegation has been attributed to the petitioner an the F.I.R.



itself shows that she left the house of the petitioner on her own and she was not ousted from the house.

Heard learned A.P.P. also as well as learned counsel appearing on behalf of opposite party no. 2. They have opposed the prayer for bail and submitted that there was demand of dowry from the petitioner and others, for that she was forced to leave the house.

Having heard both sides, in view of the above facts, this application is allowed. 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) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka, in connection with Banka (Mahila) P.S. Case No. 68 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure. It is further subject to the condition that if any maintenance case is filed by the informant – opposite party no. 2, the petitioner will cooperate in disposal of the same and abide by the order either interim or final passed by the Family Court.

(Vinod Kumar Sinha, J)

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