

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61834 of 2019

Arising Out of PS. Case No.-2873 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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VIJAY KUMAR JHA Son of Ram Kumar Jha Resident of Village - Ojha Tola
bandara, P.S.- Piar, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Baidyanath Pathak Son of late Bhuvneshwar Pathak Resident of Village -
Matlupur, P.S.- Piar, Distt - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babita Kumari

For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-11-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint (Muzaffarpur) Case No.2873 of 2018 dated 12.10.2018 registered for offences punishable under Section 498(A) of the Indian Penal Code and Section 3/4 of the D.P.Act..

Allegation against the petitioner, who happens to husband of the complainant, is of demand of four wheeler vehicle (WagonR) and for that assaulted her and ousted her from the house. There is also allegation that the petitioner and other accused person tried to kill her.

It appears that on appearance of the O.P.no.2 the matter was referred to the Mediation Centre but from the report at flag 'M', it appears that the mediation has failed.

Submission of the learned counsel for the petitioner is that no specific allegation has been attributed against him. He is ready for one time settlement. As a matter of fact she was



very cruel in the approach and apprehending something unpleasant petitioner has filed an informatory petition before the learned court below also and it is not possible for him to keep her. It is also submitted that petitioner is ready for one time settlement and also make such proposal before the Mediator also.

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has opposed the prayer for bail on the ground that after marriage only on flimsy grounds petitioner wants to separate the O.P.no.2 (complainant) and there is no genuine round for that. She is still ready to reside with the petitioner. .

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below on its own merit.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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