

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60088 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- MAHILA P.S. District- Saharsa

MADAN MOHAN JHA Son of Late Shila Kant Jha Resident of Village-Bangoan North, P.S.-Bangoan, District-Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Urvashi Kumari D/o Amrendra Khan W/o Kishore Kumar Resident of Village-Bangoan South, P.S.-Bangoan, District-Saharsa, Matrimonial Residence-Bangoan North, P.S.-Bangoan, District-Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bikramdeo Singh
		Mr.Pawan Kumar
For the Opposite Party/s :		Mr.Atul Chandra
		Mr. Ashok Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-10-2019 Heard both sides.

The petitioner apprehends his arrest in Saharsa Mahila P.S. Case No.44 of 2019 registered under Sections 498A, 323, 379, 504, 506 and 34 of the Indian Penal Code.

The informant, daughter-in-law of the petitioner, alleged that she was married with Kishore Kumar, son of the petitioner, on 20.11.2011 but after marriage her husband, brother-in-law, father-in-law, mother-in-law started subjecting her to different sorts of torture. On 07.08.2018, all the accused persons assaulted her with an intention to kill but somehow she managed to flee away from the in-laws house and came to her



parent's house. She filed petition before the Mahila Helpline and the same was sent to the Court of A.C.J.M. IV, Saharsa. She further alleged that when she went to the Court along with her father and brother and while she was returning, her husband, mother-in-law and 5-6 others caught her and snatched her ornaments.

The learned counsel for the petitioner submits that informant made two folds allegation in the F.I.R. Firstly, she alleged that all the accused persons subjected her to physical and mental torture due to non-fulfillment of additional demand of dowry for which the informant lodged the case. The present case is with regard to snatching of ornaments while the informant was returning from the Court but the informant did not name the petitioner in snatching ornaments from her possession. It is further submitted that marriage was solemnised in the year 2011 and she lodged the case only in the year 2018 and made omnibus and general allegation against her husband and other in-laws. No specific allegation of assault is made against the petitioner.

Mr. Ashok Kumar Mishra, learned counsel for the informant as well as learned A.P.P. while opposing the prayer for anticipatory bail submits that the father-in-law played key



role in torturing the informant. The S.P. found the case true against the father-in-law but on the face of allegation made by the informant, it appears that informant never made any allegation against his father-in-law. Father-in-law did not even participate in the second occurrence as disclosed by the informant herself. Surprisingly, the S.P. in his supervision note found the case true against father-in-law. From perusal of the F.I.R. itself, it appears that informant of course lodged the case for her being subjected to physical and mental torture due to non-fulfillment of additional demand of dowry but she did not make any specific allegation against the petitioner who happens to be father-in-law of the informant. The present case was lodged on the allegation that while the informant was returning from the Court, her husband and mother-in-law with 5-6 unknown persons caught her and snatched her ornaments. The informant did not even name the petitioner as participant in the second occurrence.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Mahila P.S. Case No.44 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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