

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61805 of 2019

Arising Out of PS. Case No.-16 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Vivek Anand Jha @ Vivek Anand Son of Naveen Chandra Jha Resident of
Village- Champa- Parjuar, P.S.- Arer (Benipatti), District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Jha Daughter of Jivannath Mishra Resident of Murliyachak (Munitol),
P.S.- Bisfi (Patauna).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rana Pratap Singh, Advocate Mr. Viveka Nand Singh, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the informant	:	Mr. Bimal Kumar, Advocate MR. Ratnakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-02-2020 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned APP for the
State.

The petitioner who is the husband has filed the instant
application for anticipatory bail apprehending his arrest in
connection with Complaint Case no. 16 of 2018 registered
under sections 323 and 498A besides other sections of the
Indian Penal Code and sections 3 and 4 of the Dowry
Prohibition Act.

As per the allegation in the complaint, the petitioner
was married to the opposite party no. 2 on 24.11.2016. It is



stated in the complaint that the accused persons married the petitioner giving a wrong impression that the petitioner was an engineer and a big businessman. It subsequently transpired that he was neither an engineer nor a businessman. It is stated that soon after the marriage the accused persons started torturing the opposite party no. 2, forcibly induced miscarriage and as such the present complaint.

It is submitted by learned counsel for the petitioner that much prior to the filing of the instant complaint, a hand written complaint dated 28.8.2017 (Annexure 4) was sent by the opposite party no. 2 to the District Magistrate, Raigarh Chhattisgarh. The contents of the same were identical to the present complaint. It is submitted that the matter was referred to the District Family Welfare Committee, Raigarh whose report dated 15.2.2018 is Annexure 5/A to the instant petition. The Family Welfare Committee was of the opinion that the opposite party no. 2 was intentionally not appearing before the committee and that the instant complaint had been filed with intention to harass the petitioner.

Learned counsel for the petitioner further relies on the complaint filed on 23.3.2017 by the petitioner which is Annexure 2 the petition and also copies of the cheques which



have been brought on record as Annexure 3 series to this petition in favour of the father of the opposite party no. 2 and submits that these were the amounts which were forcibly extracted by the opposite party no. 2 from the petitioner.

It is submitted by learned counsel for the opposite party no. 2 that there is direct allegation against the petitioner who is the husband and even today the opposite party no. 2 is ready to reside with the petitioner.

The matter was referred to the Patna High Court Mediation Centre for amicable settlement to the dispute by order dated 15.10.2019. However, by order dated 16.12.2019 of the mediator, it is stated that the mediation could not succeed.

The learned Additional PP for the State has also heard.

Having heard learned counsel for the parties and taking into consideration the facts as narrated above especially the earlier hand written complaint of the petitioner together with the report of the Family Welfare Committee which has been brought on record as Annexures 4 and 5/A to the petition, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in



connection with Complaint Case no. 16 of 2018 is directed to be enlarged 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 Sub-Divisional Judicial Magistrate, Benipatti, Madhubani subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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