

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9198 of 2020

Arising Out of PS. Case No.-60 Year-2014 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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SUDHIR KUMAR JHA Son of Mahesh Kant Jha Resident of Village -
Vikopatti, P.S. - Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nitu Devi @ Nitu Jha Wife of Sudhir Kumar Jha and Daughter of Kali Kant Jha @ Kari Kant Jha Resident of Village - Nawada, P.O. - Bahera, P.S. - Bahera, District - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

A supplementary affidavit/interlocutory application
has been filed on behalf of the petitioner in pursuance to Office
notes dated 16.08.2020. The same be kept on record.

In view of the statement made in the supplementary
affidavit/interlocutory application that brother of the O.P. No. 2
resides in jointness with O.P. No 2, the notice issued upon O.P.
No. 2 received by his brother is declared to be validly served.

None appears on behalf of O.P. No. 2.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 323, 498(A) of the Indian Penal



Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipur in connection with Complaint Case No. 60 of 2014



corresponding to Tr. No. 711 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

Pankaj/-

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