

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39155 of 2019

Arising Out of PS. Case No.-683 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Baljeet Kumar Jha @ Balajee Son of Shri Prem Kumar Jha Resident of
Village - Pohaddi, P.S.- Bahera, Dist.- Darbhanga, Present Residing at Road
No.6, Gardanibag, P.S.- Gardanibag, Patna- 800001

... .. Petitioner/sVersus

1. The State of Bihar
2. Priyanka Devi @ Priyanka Kumari W/o Baljeet Jha, D/o Bipendra Kumar
Jha Resident of Village - Pohaddi , P.S.- Bahera, Dist.- Darbhanga, presently
Residing at Village - Barahgama, P.S.- Khanpur, Dist.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar, APP

For the opposite party no.2: Mr. Manoranjan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 01-09-2021 Heard learned counsel for the parties through video
conferencing.

The instant application has been preferred by the
petitioner apprehending his arrest in connection with Complaint
Case no. 683 of 2018 registered under sections 498A and 34 of
the Indian Penal Code and section 4 of the Dowry Prohibition
Act.

As per allegation in the complaint, the complainant
was married to the petitioner in the year 2014 wherein dowry
was given. It is further stated that the accused persons including
the petitioner herein started to make demand of a Scorpio
vehicle and thereafter started to torture the complainant. There
was dispute relating to maintenance, custody of children etc. as



detailed in the complaint.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. It was the petitioner's filing Matrimonial Divorce Case no.216 of 2017 in the Court of Principal Judge, Family Court, Patna on 27.2.2017 for grant of divorce on ground of desertion and cruelty that in retaliation, making false allegations, the instant complaint was filed on 25.5.2018. It is stated that by order dated 6.11.2018, cognizance was taken under sections 498A and 34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act. It is further submitted that pursuant to the mediation conducted at different stages pursuant to the order of this Court, the complainant is residing in the house of the petitioner since March, 2020.

The prayer for bail is opposed by learned APP for the State and learned counsel for the opposite party no.2. It is submitted by learned counsel for the complaint that although it is true that the complainant is residing in the house of the petitioner, however, as a result of the other marriage of the petitioner, the complainant is residing all alone in petitioner's house in the village. It is submitted that maintenance case has also been filed but on account of non-appearance of the



petitioner therein the complainant is facing difficulty in maintaining herself as also her children.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Complaint Case no. 683 of 2018, T.R.no. 2969 of 2019, he will 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, Samastipur, subject to the conditions as laid down in section 438(2) of the Code of Criminal Procedure, subject to the following conditions:

(i) The petitioner, if he has not already appeared, shall appear without delay in Maintenance Case no.111 of 2018 filed by the complainant pending before the Principal Judge, Family Court, Samastipur, in which, as the Court is informed, the next date is 29.11.2021.

(ii) The petitioner shall abide by the orders passed in the said maintenance case.

Bibhash

(Partha Sarthy, J)

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