

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60933 of 2019**

Arising Out of PS. Case No.-87 Year-2019 Thana- PAROO District- Muzaffarpur

JITENDRA KUMAR @ JITENDRA SAH Son of Binda Sah Resident of  
Village- Basantpur, P. S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumari @ Arti Devi Wife of Jitendra Sah, Daughter of Jailal Sah  
Resident of Village- Bhawanipur, P. S.- Kudhani, District- Muzaffarpur.

... .. Opposite Party/s

**Appearance :**

|                          |   |                      |
|--------------------------|---|----------------------|
| For the Petitioner/s     | : | Mr.Manoj Kumar       |
| For the Opposite Party/s | : | Mr.Anil Prasad Singh |
| O.P. No. 2               | : | None                 |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      20-09-2021                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual mode.

A supplementary affidavit has been filed on behalf of  
the petitioner in respect of office notes dated 15.06.2020 stating  
that O.P. No. 2 has been living with her father.

In the present case, the notices issued upon O.P. No. 2  
has been received by her father.

Considering the statement made in the supplementary  
affidavit, the service of notices issued upon O.P. No. 2 is treated  
to be valid.

The petitioner is apprehending his arrest in a case  
registered under Sections 498A/34 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/F.I.R.

Considering the aforesaid facts and circumstances, 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 his personal bond to the satisfaction of learned S.D.J.M., West, Muzaffarpur in connection with Paroo P.S. Case No. 87 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

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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