

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77041 of 2019

Arising Out of PS. Case No.-50 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Abhishek Jha (Male), age 31 years, Son of Manoj Kumar Jha Resident of
Village - Jamsam , P.S.- Pandaul, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari (Female), Age 28 years, W/o Abhishek Jha , D/o Ramsagar Ray
Resident of Village - Dasaut, P.S.- Hathauri, Distt.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Nand Jha, Adv.
For the State	:	Mr. APP
For the O.P. No.2	:	Mr. Raj Krishan Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 29-03-2022 Heard Mr. Krishna Nand Jha, learned advocate for the

petitioner and Mr. Raj Krishan Jha for the informant.

The State is represented by learned APP.

The petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case vide C.R. No. 0050(C)/2017,
T.R. No. 1479/2019 in which cognizance has been taken under
Section 498(A) of the Indian Penal Code.

Mr. Krishna Nand Jha, learned advocate for the

petitioner has brought two demand drafts of Punjab National
Bank drawn in favour of the opposite party no.2 each for the
amount of Rs. 5 lacs.

Let the aforesaid two drafts be handed over to Mr. Raj



Krishan Jha who is junior to Mr. Arvind Kumar Mouar, learned counsel who is contesting this matter on behalf of the opposite party no.2.

The petitioner has shown his bonafides in settling the dispute and fulfilling his commitment before the Mediator.

The balance amount of Rs. 8 lacs shall be paid by the petitioner to the opposite party no.2 within next thirty days, to be counted from today, subject to the parties agreeing and proceeding further to expedite the process of divorce being concluded before the court below.

In case such commitment is not fulfilled by the petitioner, it will be open for the opposite party no.2 to move an application for cancellation of his bail. Likewise, if there is no co-operation on the part of the opposite party no.2 to fulfill her commitment, it would be open for the petitioner to bring it to the notice of this Court for passing any corrective order.

The background facts are that the spouses could not live together under the same roof as man and wife and their dispute was referred to the Mediation Center of Patna High Court. The parties decided to part ways amicably but only after payment of Rs. 22 lacs in all towards the matrimonial dues of opposite party no.2 and the decision amongst themselves to get



divorced.

Considering the aforementioned development in the case, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Rosra (Samastipur) in connection with Complaint Case No. 0050(C) of 2017, T.R. No. 1479/2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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