

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5419 of 2023

Arising Out of PS. Case No.-184 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

Mrityunjay Jha, Son of Chandeshwar Jha R/v- Ashogi, P.S.- Bairgenia,
District- Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. Shivani Mishra, Wife of Mrityunjay Jha R/v- Basantpur, P.S.- Kundawa Chainpur, District- East Champaran (Motihari) A/P- D/o Shaktinath Mishra, Village- Mohanimandal, P.S.- Mejorganj, District- Sitamarhi

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Dinesh Jha, Advocate
For the State	:	Mr. Akbar Ali, APP
For the O.P. No. 2	:	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned counsel for the O.P. No. 2 as also learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. C1-184/2017 registered for the offences punishable under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. He has got no criminal antecedent.

Learned counsel for the petitioner submits that this complaint case was filed in the year 2017 and the same was kept pending for 5 years. It is his submission that during these five years, the O.P. No. 2 was living with him and they have got three children out of the wedlock.

The submission is that O.P. No. 2 is in the hands of her



parents and she compels this petitioner to come with her and live in her parental house which is not possible. Learned counsel submits that he is willing to take back O.P. No. 2 and the children to his matrimonial home.

Learned counsel for the O.P. No. 2 submits that she will go back to her matrimonial home and will live with her husband.

In the circumstances stated above, this Court directs that the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be **provisionally released on bail for a period of six months from today** in connection with Complaint Case No. C1-184 of 2017 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



During this period, the petitioner will take back his wife (O.P. No. 2) with children to his matrimonial home and shall keep her with full dignity and care. After being satisfied with his conduct, after a period of six months, the learned court below shall confirm the bail of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner will go to the place of the O.P. No. 2 to take her back but in case the O.P. No. 2 does not turn up, in such circumstance, it should be left open to the petitioner to approach learned court below with appropriate information.

This Court observes that in such circumstance, he will bring this to the notice of the concerned jurisdictional Magistrate who will inquire into the matter through the Jurisdictional Police Station and in case the information of the petitioner is correct, no adverse view shall be taken against his conduct.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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