

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12800 of 2023

Arising Out of PS. Case No.-228 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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SHISHIR KANT JHA S/O PREM KANT JHA Resident of 114B, Shailendher Road, Near Jagriti School, Liluah, Liluah Haora, P.S.- Liluah, District- West Bengal

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. BANDANA DILIP MISHRA D/O DILIP BHARAT MISHRA Resident of Village- Ladaut (Sarisab), P.S.- Benipatti, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar Thakur
For the Opposite Party/s : Mr.Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 13-12-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 228 of 2021 corresponding to T.R. No. 427 / 2023 dated 27.09.2022 registered under Sections 147, 148, 323, 341, 379, 498(A), 120(B), 34 of the I.P.C. and Section $\frac{3}{4}$ of the Dowry Prohibition Act.

3. As per the complaint petition the marriage of the complainant was solemnized with the petitioner 24.05.2019. It has been alleged that the accused persons including the petitioner demanded a sum of Rs. 5 Lakh for starting a business and due to non fulfillment of the demand of dowry, the accused persons subjected the opposite party no. 2 / complainant to



cruelty and tortured her physically as well as mentally.

4. Learned counsel for the petitioner submits that petitioner is ready to keep the complainant / opposite party no. 2 as his wife with full honour and dignity but she is not ready to reside with the petitioner. He further submits that in the reconciliation proceedings before the learned court below between the petitioner and the complainant, the complainant refused to live with the petitioner. Despite service of notice, the opposite party no. 2 chose not to appear.

5. Regard being had to the submission made by the parties, taking into consideration the fact that there is general and omnibus allegation against the petitioner and despite service of notice the opposite party no. 2 chose not to appear before this court, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 1st Class, Benipatti in connection with Complaint Case No. 228 of 2021 corresponding



to T.R. No. 427 / 2023 subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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