

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34318 of 2022

Arising Out of PS. Case No.-30 Year-2020 Thana- MAHILA P.S. District- Sheohar

PRAKASH KUMAR JHA SON OF PREM CHAND JHA R/O- MOHALLA-
DUMRI KATSARI, P.S.- SHYAMPUR BHATHA, DIST.- SHEOHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANURADHA DEVI D/O- SUBODH MISHRA, W/O- PRAKASH
CHANDRA JHA R/O- VILL- KUSHAR, P.O.- KUSHAR, P.S.- TARIYANI,
DIST.- SHEOHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

10 18-07-2023 Jointness petition has been filed stating that Amod
Mishra is uncle of the O.P. No.2, who has received notice of
O.P. No.2, and they are living jointly in a Hindu joint family.

2. In that view of the matter, service of notice on O.P.
No.2 is treated to be validly served.

3. Heard learned counsels for the petitioner and
learned A.P.P. for the State. Despite valid service of notice
nobody appears on behalf of O.P. No.2.

4. The petitioner is apprehending his arrest in
connection with a case registered for the offence punishable
under Sections 323, 498(A) and some other ancillary Sections
of the I.P.C. and u/s 3/4 of the D.P. Act.



5. The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfilment of demand of dowry.

6. It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the husband of the victim and he is ready to keep his wife with full honour and dignity. There is no allegation of tampering with the witnesses alleged against the petitioner. The case is triable by the Magistrate. The petitioner has further 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*. Petitioner has got clean antecedent.

7. Learned counsel for the State opposes the prayer for anticipatory bail.

8. Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub



divisional Judicial Magistrate, Sheohar in connection with
Sheohar Mahila PS case No. 30/ 2020, subject to conditions laid
down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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