

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36386 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

MANCHAN JHA Son of Late Babu Prasad Jha Resident of village - Behat
South Navtol, P.S. - Lakhnour (R.S.O.P), Distt. - Madhubani

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Moni Devi Wife of Manchan Jha Resident of village - Behat South, Navtol,
P.S. - Lakhnour (R.S.O.P), Distt. - Madhubani, Present address - Moni Devi
D/o Devi Kant Jha, resident of village - Deep (Debhi Tol), P.S. - Lakhnour
(R.S.O.P), Dist. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramchandra Jha Raman, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Jitendra Kumar Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard Mr. Ramchandra Jha Raman, learned counsel
for the petitioner, Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State and Mr. Jitendra Kumar Bharti,
learned counsel for the complainant.

2. The petitioner is apprehending his arrest in
connection with C.R. No.80 of 2022 registered for the offence
punishable under Sections 323, 498(A), 504, 34 of the Indian
Penal Code.

3. As per the prosecution case, the complainant was
married 20 years ago with Manchan Jha. Further, for demand
money from her and spend all his income into alcohol. He has
sold his lands due to his habit of intoxication and never used to



give money for the study of his children. Further, the accused assaulted the complainant and his children and threw them out of the house after keeping all their belongings.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the marriage of the petitioner was solemnized with the complainant about 20 years ago. Further submits that as per the allegation made in the complaint petition the petitioner has assaulted the complainant and the children and ousted them from his house on 07.11.2021. He further submits that he has filed supplementary affidavit clearly stating that he is ready to keep his wife and children with full respect and dignity and he also assure that in future he will not consume liquor.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner, and submits that petitioner has carry one criminal case other than the present one, but fairly submits that he is on bail.

6. Considering the aforesaid facts and in view of the undertaking given by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court



below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jhanjharpur, Madhubani in connection with C.R. No.80 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and with other following conditions:-

(i) If the petitioner assaults his wife or he consumes liquor, in future, the complainant is at liberty to move before the competent court for cancellation of his bail bond.

(ii) Petitioner is directed to bring his wife and children to his house within a period of one week from today.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iv) 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 antecedents, the court below shall take step for cancellation of anticipatory 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.

(Rajesh Kumar Verma, J)

Prakash Narayan

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