

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48159 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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Sharvan Kumar Jha @ Sharvan Jha, Son of Late Bhairab Jha, R/O Village-
Jarail (Dakhinwari Tola), P.S.- Arer, District- Madhubani Petitioner
Versus

1. The State of Bihar
2. Rupam Jha, Wife of Sravan Kumar Jha, D/O Navendra Jha, R/O Village-
Dhanga (Phurwari Tola), P.S.- Arer, District- Madhubani. Present Address-
C/O Bharti Jha, Professor Colony, Suwidha Bazar, P.S. And District-
Madhubani

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the O.P. No. 2	:	Mr. Vikas Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 16-05-2023 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2-informant and learned APP
for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Madhubani Town P.S. Case No. 09 of
2022 registered for the offence punishable under Section 498A
of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, on 04.06.2009, the
informant was married to this petitioner as per Hindu rites and
rituals. On 15.12.2021, at about 02:00 P.M., the husband of the
informant (this petitioner) started knocking the door in drunken
condition abusing her and after the informant opened the door,



this petitioner assaulted both the informant and her sister and misbehaved with her sister. He further posed the condition of giving him Rs.5,00,000/- from her mother to fulfill her maintenance. The accused petitioner had also assaulted the informant during her pregnancy with an intention to miscarriage and ultimately ousted her from her matrimonial house. It was also informed that the petitioner is not paying the monthly maintenance which was to be paid as per the agreement between them.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case.

Learned counsel for the petitioner and learned counsel for the informant have jointly submitted that the informant is residing with her husband (this petitioner) after resolving the disputes amicably.

Having regard to the facts and circumstances of the case, wherein learned counsel for the petitioner and learned counsel for the informant both have informed this Court that they are living together after amicably resolving their disputes, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four



weeks from today in connection with Madhubani (Town) P.S. Case No. 09 of 2022 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 Judicial Magistrate, Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition that he will treat his wife (opposite party no. 2) and her children with full dignity and care and will look after them properly.

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.

This application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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