

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55671 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHILA PS District- Darbhanga

AASHISH KUMAR JHA @ ASHISH ANAND SON OF SRI BINAY KUMAR JHA PERMANENT R/O VILLAGE- MADHOPUR SHISHO, P.S.- SADAR, DISTT.- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. AMRITA JHA DAUGHTER OF SRI VIJAN KUMAR JHA, W/O AASHISH KUMAR JHA @ ASHISH ANAND R/O VILLAGE/MOHALLA- LAXMISAGAR, P.S.- SADAR, DISTT.- DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Chandra, Advocate
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh, APP
	Mr. Girish Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 17-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State alongwith learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 323, 506 and 34 of the Indian Penal Code and Section 3/4 of Dowry Prevention Act.

3. Learned counsel for the petitioner submits that the petitioner being husband has been falsely implicated in the present case, it is next submitted that the relationship between the petitioner and the informant soured to an extent that it is not possible to revive the conjugal relationship, it is further



submitted that petitioner had already filed an application seeking divorce under Section 13 of the Hindu Marriage Act being Matrimonial Case No. 139 of 2021 pending in the Court of learned Principal Judge, Family Court, Darbhanga.

4. Learned counsel for the petitioner further submits it was only after the divorce case was filed and summons were received by the informant that the present false case came to be instituted, it is next submitted that the informant in her restatement recorded by the police had also stated that she was not willing for the marriage.

5. Learned counsel for the petitioner submits that the petitioner is ready to pay a monthly maintenance of Rs. 15,000/- to the informant till maintenance is not adjudicated and fixed by a Court of competent jurisdiction.

6. Learned counsel for the informant does not dispute the submissions made by the learned counsel for the petitioner with regard to maintenance and submits that he will WhatsApp the bank account number of the informant on the WhatsApp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the petitioner so that the maintenance as agreed commences from 01.08.2023.



7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahila P.S. Case No. 39 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that informant will be at liberty to file an application seeking cancellation of the anticipatory bail order of the petitioner before this Court in the event, if the petitioner does not deposit the maintenance as agreed for two consecutive months. It is further made clear that the present maintenance shall stop the moment a Court of competent jurisdiction fixes the maintenance.

(Satyavrat Verma, J)

Adnan/-

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