

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69108 of 2023

Arising Out of PS. Case No.-38 Year-2022 Thana- ANDHRATHARHI District- Madhubani

Avdhesh Kumar Jha @ Avdhesh Jha S/O Late Mahendra Jha R/O Village And P.O- Gonauli, P.S- Andhrathadi, Distt.- Madhubani, At Present Resident C/O Ram Swaroop Singh, Adhpa Niwas, House No. 26, Road No. 1, P.S- Rajeev Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar

2. Subita Jha @ Subhita Kumari wife of Avdhesh Kumar Jha @ Avdhesh Jha, R/o village+ P.O. Gonauli, PS-Andhrathadi, District-Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma

For the Opposite Party/s : Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-02-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 504, 494, 495 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of opposite party no2., is said to have ousted the opposite party no.2 from her matrimonial home in association of his family members over the dowry demand.

4. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor



tormented her over the demand of dowry. The petitioner has 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**.

5. However, the petitioner is ready to give Rs.3,000.00 (Rupees Three Thousand) per month to opposite party no.2 in first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding. If the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, his bail bond shall automatically be cancelled.

6. Learned counsel for the opposite party no. 2, under instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned court below.

7. In that view of the matter, let the above named petitioner, be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Andhrathadi P.S. Case No. 38 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

8. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

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