

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75091 of 2022

Arising Out of PS. Case No.-19 Year-2014 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Girish Jha @ Girish Kumar Jha, aged about 41 years (Male), S/O Madnanand Jha, Resident of village- Rasidpur, P.S.- Khajauli, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anju Jha, W/O Girish Jha, D/O Anand Mohan Thakur, Resident of village- Belahi, P.S.- Pandauli, District- Madhubani.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Subhash Kumar Jha, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mrs. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 23-04-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. However, learned counsel for the opposite party no. 2 is not present despite service of notice through D.L.S.A., Madhubani on the Whatsapp bearing No. 7070092422 of the opposite party no. 2.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 19 of 2014 dated 04.01.2014 registered for the offences punishable under Sections 341, 323, 354, 379, 498A, 120B of the I.P.C. and Section ¾ of the D.P. Act.

3. As per the prosecution case, the petitioner and other



co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of Rs. 3,00,000/- as dowry. It is further alleged that the accused persons also tried to burn the complainant after pouring kerosene oil on her body.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that there is general and omnibus allegation against the petitioner. The opposite party no. 2 has filed a M.R. Case No. 08 of 2014 under Section 125 of Cr.P.C. before the learned Principal Judge, Family Court, Madhubani, against the petitioner but the same was dismissed for non-prosecution on 12.02.2016. The petitioner is ready to keep the opposite party no. 2 as his wife with full dignity and honour but she herself is not ready to live with the petitioner. It is further submitted that the female child of the opposite party no. 2 does not belong to the petitioner. Learned counsel for the petitioner has relied upon the judgments 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*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023.*

Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Madhubani in connection with Complaint Case No. 19 of 2014, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



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

8. The application stands allowed.

(Chandra Prakash Singh, J)

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