

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83709 of 2024

Arising Out of PS. Case No.-811 Year-2023 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Akhilesh Kumar Jha Son of Shivkant Jha R/o village - Biroul, P.S.-
Ghoghardiha, District- Madhubnai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakhi Kumari @ Soni W/O Akhilesh R/O Vill.- Biroul, P.S.- Ghogardiha,
Dist.- Madhubani. At Present R/O Vill.- Baruara, P.S.- Bahadurpur, Dist.-
Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 811 of 2023, instituted for the offence
punishable under Sections 406, 341, 342, 323, 325, 498A, 379
and 504/34 of the Indian Penal Code and Section 3/4 of D.P. Act
in which cognizance has been taken only under Section 498A of
the I.P.C..

3. The petitioner is the husband of the complainant
and the allegation against him is that he used to torture the
complainant in lieu of demand of dowry.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is submitted that a case under Section 9 of Hindu Marriage Act for restitution of conjugal rights was filed by the petitioner on 21.10.2022. After getting notice of that case, the present complaint case has been filed on 24.06.2023. It is submitted that the petitioner is ready to keep opposite party no. 2 (wife) with full dignity and honour but she has refused to live with the petitioner. From perusal of the impugned order, it appears that the counsel appearing on behalf of the complainant submitted before the learned Additional Sessions Judge-II that the complainant is not willing to go with her husband and prayed that the matter may be decided on merits. It also submitted that there is no injury report to support the allegation of assault. Lastly, it has been submitted that he has no criminal antecedent.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 811 of 2023, he shall be released on anticipatory bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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