

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85224 of 2023

Arising Out of PS. Case No.-1390 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Ravi Narayan Jha Son of Ful Kumar Jha @ Phool Kumar Jha, Resident of Adityapur-2, House No. 621, Road No.7, P.S. - R.I.T., Jamshedpur, District - West Singhbhum, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anupam Kumari Wife of Ravi Narayan Jha, D/O. Chandrashekhar Thakur, Resident of Adityapur-2, House No. 621, Road No.7, P.S. - Jamshedpur, District - West Singhbhum, Jharkhand. At Present Village And Post - Chainpur, P.S. - Bangaon, District - Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Pramod Mishra, the learned counsel for the petitioner, the learned counsel for the complainant and Mr. Uday Chand Prasad, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1390 of 2022, registered for the offences punishable under Sections 341, 323, 406, 498(A), 504 and 506 read with Section 34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, due to non-fulfillment of dowry demand, i.e., Rs. 30,00,000/- (Rupees thirty lakhs) the



complainant was physically and mentally tortured by her husband and in-laws and later she was also ousted from her matrimonial home after snatching all the valuable gifts and belongings.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and he has been made accused in the present case merely on the ground that he is the husband of the complainant and in fact, the opposite party no. 2 (complainant) has filed a maintenance case no. 120 of 2022 before the learned trial Court which suggests that she has no intention of living with the petitioner and petitioner is ready to pay Rs. 15,000/- (Rupees fifteen thousand) per month to the complainant as interim maintenance till the disposal of maintenance case no. 120 of 2022.

5. The learned counsel for the complainant and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that complainant wants a one time settlement with the petitioner, but the learned counsel for the petitioner submits that he is not ready to one time settle the issue with the complainant.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or



surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saharsa, where the case is pending in connection with **Complaint Case No. 1390 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i) Petitioner shall pay Rs. 15,000/- (Rupees fifteen thousand) at the time of furnishing the bail bond by way of demand draft in favour of the complainant namely, Anupam Kumari and the learned trial Court is directed to hand over the said demand draft to the complainant or her representative, and the petitioner shall deposit Rs. 15,000/- (Rupees fifteen thousand) per month in the bank account of the complainant, furnished by the learned counsel for the complainant, which is as follows:

Name : Anupam Kumari
Account No. : 35334175097
IFSC Code : SBIN0015925

(ii) If the petitioner fails to deposit Rs. 15,000/- (Rupees fifteen thousand) per month in the said bank account of the complainant, the complainant shall be at liberty to move before the learned trial Court for cancellation of the bail bond of the petitioner.



(iii). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(iv). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(v). And further condition that the trial Court 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 trial Court 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.

(Rajesh Kumar Verma, J)

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