

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46001 of 2025

Arising Out of PS. Case No.-986 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Brajesh Jha @ Mankhush Jha S/o Akhilesh Jha Resident of village- Salempur,
(Khaira), P.S.- Pothiya, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Jha W/o Brajesh Jha @ Mankhush Jha, D/o Vijay Jha R/o Vill-
Massuriya, P.S.- Sarsi, Distt- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-11-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of the
complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 307,
498(A), 504, 376 and 511 of the Indian Penal Code as well as
Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel appearing on behalf of the petitioner
submits that petitioner, being the husband, has been falsely
implicated in the instant case by the complainant. It is further
submitted that petitioner was married to the complainant on
28.02.2011 and out of the wedlock, two children were born who
presently are staying with the petitioner. It is next submitted that



after 11 years of marriage, the instant complaint case came to be instituted with an allegation that petitioner does not allow the complainant to talk to any one and demands the dowry and does not provide food. It is also submitted that had the petitioner been torturing the complainant as alleged in the complaint in that event it would not have taken the complainant 11 years to institute a case. It is further submitted that the dispute is trivial but the same has been magnified by the complainant. It is next submitted that petitioner is still willing to keep the complainant with honour and dignity so that his children were staying with him also get the love and affection of their mother.

4. Learned counsel appearing on behalf of the complainant submits that relationship in between the petitioner and the complainant has deteriorated to an extent where it is not possible to revive the conjugal relationship in the present but then with passage of time and on an intervention of well wishers, the parties may resolve their dispute amicably.

5. At this stage, learned counsel appearing on behalf of the petitioner submits that petitioner is a labourer and being the husband, he is aware of his responsibility towards his wife. It is further submitted that petitioner is already taking care of his two children but then is willing to pay a monthly maintenance of Rs.4,000/- to the complainant which shall commence from



25.11.2025 on which learned counsel appearing on behalf of the complainant submits that since petitioner is willing to pay a monthly maintenance of Rs.4,000/-, as such, no useful purpose would be served by sending the petitioner to jail and even future chances of reconciliation will get marred but then it is submitted that process under Sections 82 and 83 Cr.P.C. has been issued against the petitioner on which learned counsel appearing on behalf of the petitioner submits that no doubt, the order impugned records that process under Sections 82 and 83 Cr.P.C. has been issued but then petitioner was completely unaware about issuance of the process nor the process under Section 83 Cr.P.C. till date has been executed. It is next submitted that the dispute is matrimonial and if the petitioner is sent to jail, no useful purpose would be served and it has been correctly submitted by the learned counsel appearing on behalf of the complainant that if petitioner is sent to judicial custody chances of future reconciliation will get marred.

6. At this stage, learned counsel appearing on behalf of the complainant submits that he will WhatsApp the bank account number of the complainant on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance as agreed commences from 25.11.2025.



7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, let 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.10,000/- (Rupees Ten 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 Complaint Case No. 986 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the complainant shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

10. It is made clear that if a Court of competent jurisdiction fixes the maintenance in that event the present maintenance shall stop.

(Satyavrat Verma, J)

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