

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30623 of 2018

Arising Out of PS.Case No. -35 Year- 2017 Thana -MAHILA PS District- KATIHAR

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Saurav Kumar Singh, S/o Subodh Kumar Singh, R/o Vill.- Chhoti
Khanjarpur, Surya Nath Singh Gali, P.S.- Barari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Nitu Kumari, D/o Anil Kumar Mandal, R/o Village – Negra Bazar
(Bagan), P.S. – Sahayak, District – Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

06/ 11-10-2018

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 420, 406, 376, 323, 498A, 313, 504, 506 of the Indian Penal Code, Sections 3/4 of the Dowry Prohibition Act and Sections 67/67(A) of I.T. Act.

The prosecution case got initiated with the filing of Complaint Case No. 842 of 2017 by Nitu Kumari, opposite party no. 2, but on transfer of the complaint to the police under Section 156(3) of the Cr.P.C., Katihar Mahila P.S. Case No. 35 of 2017 was registered. It is alleged by the informant that the informant was a student of Agriculture University, Sabour where she met the petitioner, who initially ravished her and thereafter the



petitioner got married with the informant and on 20.01.2016 the informant was driven out from the matrimonial home. It is also alleged against the petitioner that he uploaded the nude photographs of the informant on social media.

On submission of learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour, though statement to that effect has not been made in the petitioner, moreover, the petitioner has filed Matrimonial Suit No. 286 of 2016 for restitution of conjugal rights and it is submitted that there is no medical report to support the accusation, this Court vide order dated 28.06.2018 issued notice to the informant-opposite party no. 2. The office note dated 27.09.2018 reflects that opposite party no. 2 refused to receive the notice, hence, house service has been affected.

In the circumstances, vide order dated 01.10.2018 the notices were treated to be deemed valid service and the matter was directed to be listed under the heading 'For Admission' on 11.10.2018. Today, none appears on behalf of opposite party no. 2

Keeping in view the fact that opposite party no. 2 failed to appear in spite of deemed valid service of notice



and thereby failed to controvert the contention made on behalf on petitioner, let the above named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Mahila P.S. Case No. 35 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

However, if the informant files an application before the learned Court below to the effect that she is ready to resume the conjugal life, then in such circumstances the petitioner would be obliged to comply the undertaking given before this Court and take the informant to matrimonial house to keep her as wife with full dignity and honour.

(Dinesh Kumar Singh, J)

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