

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41045 of 2020

Arising Out of PS. Case No.-2307 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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MANOJ SAH Son of Hardev Sah Resident of Village- Malinagar Simri, P.S.-
Chakmehsi, District- Samastipur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Laxmi Devi Daughter of Kedar Sah Present resident of Village- Matlupur,
P.S.- Piar, District- Muzaffarpur, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.A.P.P

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 01-11-2021 Heard Sri Prabhat Kumar Singh, learned counsel
for the petitioner and learned APP for the State.

Petitioner seeks anticipatory bail in Complaint Case
no. 2307 of 2017 in which cognizance has been taken under
section 498A of the Indian Penal Code read with section 4
of Dowry Prohibition Act.

Learned counsel for the petitioner at the outset
submits that from perusal of the office report, it would
manifest that postal peon reported that the opposite party
no.2 refused to receive the registered cover notice which
was issued to her in terms of order dated 03.08.2021.



Learned counsel for the petitioner further submits that since opposite party no.2 is refusing to appear before this court despite notice having been issued this amply demonstrates that opposite party no.2 is not interested in pursuing the case. Learned counsel further submits on oral instruction that opposite party no.2 now remarried.

The fact that opposite party no.2 has refused to accept notice as recorded by the office, this court finds strength in the arguments of learned counsel for the petitioner.

Learned APP submits that since it is marital dispute, opposite party no.2 has refused to accept notice as such what has been submitted by learned counsel for the petitioner cannot be rebutted for the present.

Considering the facts and circumstances, in the event of arrest/surrender within ten weeks from today, the petitioner is directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, East, Muzaffarpur in Complaint Case no. 2307 of 2017 subject to the condition



under section 438(2) Cr.P.C.

Learned counsel for the petitioner is further directed that all the defects as pointed out by the office have to be removed in terms of order dated 03.08.2021.

(Satyavrat Verma, J)

s.hassan/-

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