

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5063 of 2022

Arising Out of PS. Case No.-86 Year-2020 Thana- MAHILA P.S. District- Patna

DEBASHISH BASAK SON OF SRI BISWANATH BASAK RESIDENT OF
RAILWAY HUNTER ROAD, HOUSE OF JAWAHAR RAJAK, 5TH
FLOOR, EAST LOHANIPUR, P.S.- KADAMKUAN, DISTRICT- PATNA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. BARSHA BASAK DAUGHTER OF SRI SANJIB KUMAR MANDAL
C/O UPENDRA SINGH, RESIDENT OF ROAD NO. 24-i, OPPOSITE
HAVELI MARRIAGE HALL, P.S.- RAJEEV NAGAR, DISTRICT-
PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 504, 506 and 34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that notices issued have been received by the brother and father of the informant with whom she is presently staying, as such the notices be deemed to have been validly served.

Learned counsel for the petitioner next submits that an



application for jointness has not been filed as the petitioner and the informant have filed a Matrimonial Case No. 730 of 2022 under Section 13(b) of the Hindu Marriage Act, 1955 seeking divorce by mutual consent which would be evident from Annexure-2 to the supplementary-affidavit.

Learned A.P.P. for the State submits that mere filing of an application seeking divorce by mutual consent does not absolve the petitioner of the offence, as alleged in the FIR.

Considering the submissions made by the learned counsel for the petitioner, 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 to the satisfaction of the learned trial court where the case is pending/successor court in connection with Patna Nagar Mahila P.S. Case No. 86 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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