

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21712 of 2021**

Arising Out of PS. Case No.-183 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

Ajit Das, Son Of Deep Narayan Das Resident Of Village - Baijani (Harijan Tola), Police Station - Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Rita Devi, W/o Ajit Das, D/o Deep Narayan Das Resident of Village- Harijan Tola, Baijani, P.S. Jagdishpur, District- Bhagalpur.
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Manoj Kumar
		Ms. Vasundhra Kumari
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-06-2022 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 498A/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and by order dated 30.11.2021, notices were issued on the opposite party no.2 by both modes. It is submitted that notices were filed in time, but the office report recorded that the opposite party no.2 has refused to accept the notice. It is submitted that thereafter again by way abundant precaution, the Court by order dated 09.02.2022 directed to file fresh notices by both modes. Again in terms of the order dated 09.02.2022, the notices were filed



and the report was awaited.

It is next submitted that from perusal of the tracking report at Flag-C, it would manifest that the same records that the item returned refused which amply demonstrates that the notices were not accepted by the opposite party no.2.

The learned counsel for the petitioner submits that the informant alleges that she was married to the petitioner in the Year 2009 and the petitioner was having illicit relationship with another lady and on protest by the informant, the petitioner and other accused were used to assault her. It is next alleged that the petitioner even abused her parents.

The learned counsel submits that petitioner is still willing and ready to keep the opposite party no.2 as his wife with all dignity and honour, but for reason best known to her, she is avoiding appearance despite issuance of notice by this Court.

Learned A.P.P. opposes the bail application.

Considering the nature of allegation as alleged in the F.I.R. and the fact that despite receiving the notice, the opposite party no.2 has refused to appear and the fact that petitioner is still willing and ready to keep her as his wife with all dignity and honour, the petitioner, above-named, in the event of his



arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jagdishpur P. S. Case No.183 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Since the learned counsel for the petitioner on the basis of instruction has made the submission that the petitioner is willing and ready to keep the opposite party no.2 with all dignity and honour, as such, the present anticipatory bail application has been heard and considered in absence of the opposite party no.2 in the event, if the opposite party no.2 goes to the house of the petitioner and the petitioner refused to take her back, the opposite party no.2 will be at liberty to move this Court for cancellation of the present anticipatory bail petition.

(Satyavrat Verma, J)

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