

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59055 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- MAHILA PS District- Buxar

JANI PATEL @ JAUNI KUMAR @ JONI PATEL S/o Rajendra Chaudhary
R/o Muhall.- Bazar Samiti Road, P.S.- Buxar(T), Distt-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ROSHNI YADAV D/O Amarjeet Yadav R/V- Narala, P.S.- Rasara, Distt-Ballia, U.P., Present Address- R/o Muhalla- Viratnagar, P.S.- Buxar(T), Distt-Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 22-05-2023 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 341, 323, 504, 506, 498(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

Learned counsel for the petitioner submits notices were issued in the case by both modes and the service report of the ordinary notice records that the notice was received by the husband of the informant Anant Yadav. The learned counsel next submits that informant had instituted the present case under



Section 498A of the IPC read with Dowry Prohibition Act. Learned counsel submits no doubt petitioner is the husband but then the petitioner came to know that informant was married from before as such dispute arose which led to filing of the present false case. The learned counsel next submits that the ordinary notice has been received by the husband of the informant namely Anant Yadav that amply demonstrates that informant and Anant Yadav are living as husband and wife.

The learned counsel for the petitioner submits that the petitioner in the anticipatory bail application has also made a specific pleading that informant was married from before and the service report of the ordinary notice also clearly records that the notice has been received by Anant Yadav husband of the informant. It is next submitted that perhaps this is the reason why the informant chose not to appear before this Court and contest.

The learned APP does not dispute the submission of the learned counsel for the petitioner based on the service report of the ordinary notice.

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. 5,000/- (Rupees Five 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 Buxar (Mahila) P.S. Case No. 18 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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