

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68494 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- SIKARPUR District- West Champaran

DASHRATH RAM S/O Sri Chhotelal Ram R/O Village- Dhobini, P.S-
Lauriya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi W/O Sri Dashrath Ram, D/O Madan Ram Presently resident of
village- Purainiya, P.S- Shikarpur, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Umesh Chandra Verma
For the State	:	Mr.Rajendra Prasad Nat
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 17-07-2023 By filing supplementary affidavit, it is submitted that notice, issued to the opposite party no. 2, has been received by her father and opposite party no. 2 is residing with her father in the same residence and therefore, it is requested that the notice received by her father may be treated as validly served upon her.

2. In view of aforesaid fact, the notice issued to the informant/opposite party no.2 is treated to be validly served upon her. Despite valid service of notice, nobody appears on behalf of informant/opposite party no. 2.

3. Heard learned counsel for the petitioner and learned A.P.P. for the State.

4. The petitioner apprehends his arrest in a case



registered for the offence under Section 498(A) of the Indian Penal Code and Section 3 / 4 of Dowry Prohibition Act.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the informant and present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault and demand of dowry against him. It is further submitted that petitioner is ready to keep the informant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006(3) PLJR 182**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 245 of 2022, subject to



condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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