

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73709 of 2022

Arising Out of PS. Case No.-1179 Year-2018 Thana- COMPLAINT CASE District- Banka

BISHNU RAJAK @ VISHNU KUMAR RAJAK SON OF NAGO RAJAK
Resident of village- Sonapur Khari, P.S.- Belbadda, District- Godda
(Jharkhand).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KALPANA DEVI W/O BISHNU RAJAK @ VISHNU KUMAR RAJAK,
D/O SOBHAN RAJAK Resident of village- Rajawar, P.S.- Rajoun, District-
Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 23-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A)
and 323 of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
present case, it is next submitted that by order dated 29.04.2023,
notices were issued on O.P. No. 2. It is next submitted that in
compliance of the order dated 29.04.2023, the notices were filed
in time and one of the notices was received by the mother of the



O.P. No. 2 for which a jointness application has been filed stating that O.P. No. 2 is residing with her mother.

4. In view of the submissions made by the learned counsel for the petitioner, the notice upon O.P. No. 2 is treated to be validly served.

5. Learned counsel for the petitioner next submits petitioner has been falsely implicated in the present case, it is next submitted that petitioner is willing to keep the complainant with honour and dignity and for which he has also filed an application seeking restitution of his conjugal rights which is pending adjudication before the learned Principal Judge, Family Court, Godda, Jharkhand, it is next submitted that from perusal of the order impugned, it would manifest that the learned lawyer had appeared on behalf of the complainant before the learned District Court and had made a categorical submission that there is no chance of compromise in near future.

6. Learned counsel for the petitioner further submits that even allegation of demand of dowry and torture is general and omnibus in nature. It is further submitted that when petitioner is willing to keep the complainant with honour and dignity, based on which notices were issued and the complainant despite receiving notice, if is not appearing and contesting the



case, in that event it appears that she is not willing to restitute her conjugal rights.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. 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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 1179 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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