

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15836 of 2024

Arising Out of PS. Case No.-6465 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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RAUSHAN KUMAR Son of Nand Kishore Prasad Resident of Mohalla-121,
Naya Tola, P.O. and P.S.-Patna City Chowk, Patan Devi, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAKHI KUMARI Wife of Raushan Kumar, D/o Kailash Prasad Resident of
Mohalla-Postal Park, Road No. 3/B, P.S.-Jakkanpur, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2024 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 498A, 504
and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
office report dated 26-4-2024 records that ordinary notice has
been received by the OP No. 2 personally but receipt for the
same was recorded by her brother as reported by the process
server.

4. In view of the report of the process server, the
notice is deemed to have been validly served.



5. The learned counsel for the petitioner submits that the petitioner, being husband, has been falsely implicated in the instant case by the complainant. It is next submitted that the complainant, despite receiving notice, chooses not to appear and contest. It is also submitted that the petitioner is always willing to keep the complainant with honor and dignity. It is next submitted that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs. 3,000/- to the complainant. It is also submitted that with passage of time and on intervention of well-wishers, the parties may come on amicable terms. It is further submitted that the maintenance would commence from 1-6-2024.

6. Considering the submission made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Complaint Case No. 6465(C) of 2021, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

7. However, it is made clear that OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the anticipatory bail granted to the petitioner, in the event if the petitioner does not give the monthly maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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