

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16152 of 2024

Arising Out of PS. Case No.-1171 Year-2020 Thana- GAYA COMPLAINT CASE District-
Gaya

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Vivek Paswan @ Vivek Kumar Son of Naresh Paswan Resident of Village-
Barpa Anchha, P.S.- Pauthu, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari Wife of Vivek Paswan, D/o Late Tapeswar paswan R/V-
Madarpur, P.S.- Alipur, Dist.- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 04-09-2024 1. Heard learned counsel for the petitioner Mr. Vishwa
Ranjan Choudhary and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 341, 323,
379, 504, 506, 384, 498A/34 of the Indian Penal Code.
3. Learned counsel for the petitioner at the outset
submits that from perusal of the office report dated 23.08.2024,
it would manifest that the same records that ordinary notice has
been received by the O.P. No.2 personally. Since the notice has
been received personally by the O.P. No.2, as such, the notice is
deemed to have been validly served. The learned counsel for
the petitioner next submits that the petitioner being husband has



been falsely implicated in the instant case by the complainant. It is further submitted that petitioner was always willing to keep the O.P. No.2 with honour and dignity but then it has come to his knowledge that O.P. No.2 has performed her second marriage and this perhaps explains why she after receiving the notice personally, chooses not to appear and contest.

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

5. 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 Court below 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.1171/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, the O.P. No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if she has not performed her second marriage. The learned trial court is directed to hand over



a copy of this order to the learned counsel appearing on behalf
of the O.P. No.2.

(Satyavrat Verma, J)

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