

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22145 of 2023

Arising Out of PS. Case No.-688 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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SADAM HUSSAIN S/O MD. ISMOHAMMAD R/O Village- Bajhiya Purani
Dih, P.S- Kotwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amna Khatoon D/O Md. Mustafa R/O Village- Bajhiya Purani Dih, P.S-
Kotwa, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Dr. (Mr.) Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 14-03-2024 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 406 and
498(A) of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
earlier by order dated 23.06.2023, notices were issued to
opposite party no. 2. In compliance of the order dated
23.06.2023, the notices were filed in time but from perusal of
the office report dated 29.01.2024, it manifests that on account
of fault of the concerned staff in the office the ordinary notice
was sent to Saran at Chapra instead of East Champaran at



Bettiah as such the notices could not be served upon opposite party no. 2 and the service report with regard to the registered notice was not received till then, accordingly, on 31.01.2024, the petitioner was directed to take fresh steps for service of ordinary notice upon opposite party no. 2 on her present and correct address. The said order was also complied in time.

4. It is submitted that from perusal of the office report dated 12.03.2024, it manifests that the same records that the ordinary notice was not received by opposite party no. 2 as she resides in Delhi with her family, hence, it was pasted on the house as reported by the process server.

5. Since the notices were sent on the address as given by the opposite party no. 2 in the complaint petition and the notice was pasted on her house as such it is deemed to have been validly served.

6. Learned counsel for the petitioner submits that petitioner, being the husband of the opposite party no. 2, has been falsely implicated in the present case with general and omnibus allegation. It is further submitted that petitioner is willing to keep the opposite party no. 2 with full dignity and honour but then it appears that opposite party no. 2 is not interested in restituting her conjugal rights. It is next submitted



that no useful purpose would be served by sending the petitioner to jail as the petitioner is even willing to pay a monthly maintenance of Rs.3,000/- (rupees three thousand) to the opposite party no. 2. It is also submitted that petitioner is a labourer and earns about Rs.10,000/- to Rs.12,000/- per month and in order to establish his bona fide is willing to pay a monthly maintenance of Rs.3,000/- (rupees three thousand) to the opposite party no. 2 which shall commence from 01.04.2024.

7. Learned A.P.P. for the State also does not oppose the prayer for anticipatory bail of the petitioner in view of the submissions made by the learned counsel for the petitioner that petitioner is willing to pay a monthly maintenance of Rs.3,000/- (rupees three thousand).

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 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 Trial No. 2205 of



2022 arising out of Complaint Case No. C-688 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner in the event the petitioner does not pay/deposit the monthly maintenance of Rs.3,000/- (rupees three thousand) as agreed for two consecutive months.

(Satyavrat Verma, J)

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