

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25988 of 2024

Arising Out of PS. Case No.-3003 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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Raj Mohan Pandey, Son of Braj Mohan Pandey Resident of Village Shambhu
Chhapra, P.O.- Basahi, P.S.- janta Bazar, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari, Wife of Raj Mohan Pandey and D/o Devendra Pandey At
present residing at Village- Ghataro Chaturbhuji, P.O. and P.S.- Kartahan,
District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha
For the Opposite Party/s : Ms.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 498A and 323/ 34 of the Indian Penal Code and
Sections 3 and 4 of the D. P. Act.

3. The learned counsel appearing on behalf of the
petitioner submits that from perusal of the office report dated
28.06.2024, it would manifest that the same records that:-
*“Ordinary notice returned unserved with report that opposite party no.2
resides at Hajipur. Further, registered cover notice returned unserved with
report that addressee is not available. The learned counsel submits from*



perusal of the address as recorded on the notice, which has been returned it would manifest that the same was sent on the same address as recorded in the complaint case where opposite party no.2 is residing presently i.e. at Vaishali. It is next submitted that deliberately the opposite party no.2 is avoiding the notice.”

4. In view of the submissions made by the learned counsel appearing on behalf of the petitioner, the Court proceeds to decide the case on merits.

5. The learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case. It is next submitted that at Para-10, it has been specifically pleaded that petitioner is still ready and willing to keep the opposite party no.2 with dignity and honour, but then, opposite party no.2, for reasons best known, does not intend to reconstitute her conjugal rights. It is also submitted that if the opposite party no.2, at any point of time, contacts the petitioner and shows her interest in reviving the conjugal relationship, the petitioner will immediately go to her parental home to bring her back to her matrimonial home. It is also submitted that petitioner has also filed an application seeking restitution of conjugal rights, which amply demonstrates that petitioner is interested in reviving his conjugal relationship, but then, opposite party no.2 seems reluctant.



6. Learned A.P.P. opposes the anticipatory bail application.

7. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saran in connection with Complaint Case No.3003 of 2021, Trial No.2659 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

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