

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42809 of 2024

Arising Out of PS. Case No.-587 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Gautam Kumar S/O Suraj Prakash Gupta R/O Village- Mangraon, P.S-
Rajpur, Distt.- Buxar. At Present Sarala Chatti (RAM Pravesh Yadav Ka
Makan), Near Sharab Bhatti, P.S- Dildarnagar, Distt.- Ghazipur (U.P.)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anju Kumari W/O Gautam Kumar, D/O Rameshwar Prasad Rajan R/V
Mangraon, P.O- Sangraon, P.S- Rajpur, Distt.- Buxar. At Present Village-
Sakri, P.S- Kudra, Dist.- Kaimur (BHABUA).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 22-08-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498A, 406, 504 of the IPC and $\frac{3}{4}$ of the D.P. Act, but
court took cognizance under Section 498A of IPC only in
connection with Complaint Case No.587 of 2023.

3. The learned counsel for the petitioner submits that
from perusal of the office note dated 20.08.2024, it would
manifest that notice on behalf of the O.P. No.2 has been
received by her father. Since notice has been received by father



of the O.P. No.2, hence the notice is deemed to have been validly served.

4. The learned submits that petitioner being husband has been falsely implicated in the instant case by the informant. It is next submitted that the complaint was instituted under Section 498A, 406 and 504 of the IPC read with Section 3/4 of the Dowry Prohibition Act, but then court took cognizance of offence under Section 498A of IPC only. It is also submitted that since father of the O.P. No.2 received notice on behalf of the O.P. No.2, but still the O.P. No.2 chooses not to appear and contest which amply demonstrates that O.P. No.2 has no case to plead.

5. The learned APP, Mr. Chandra Bhushan Prasad vehemently opposes the anticipatory bail application. It is submitted merely because O.P. No.2 has not appeared does not by any stretch of imagination can be construed that she does not intend to contest the case, it may be a possibility that the O.P. No.2 may not be financially sound to approach the High Court by engaging a learned lawyer or the trauma faced by the O.P. No.2 at the hands of the petitioner was such that she is not interested in pursuing the case. It is also submitted that even petitioner is not willing to pay a decent maintenance.



6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner, accordingly, the anticipatory bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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