

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44597 of 2023

Arising Out of PS. Case No.-1051 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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JITAN SAHANI S/O HEETLAL SAHANI R/O Village- Raushanpur, P.S-
Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Parvati Devi W/O Jitan Sahani, D/O Vishwnath Sahani R/O Village-
Madaripur, P.s- Minapur, Distt.- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 20-02-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The learned counsel for the petitioner submits that
the brother of the O.P. No.2 had received the notice on her
behalf for which an application of jointness has been filed.
Since application of jointness has been filed hence the notices
have been deemed to be validly served.

3. The learned counsel next submits the petitioner
being the husband has been falsely implicated in the present



case. It is also submitted that the O.P. No.2 despite receiving notice chooses not to contest. It is next submitted that it has been specifically pleaded at para-11 that the O.P. No.2 has performed her second marriage with one Bhagwan Sah, resident of Patiyasa Panchayat, P.S.-Ahiyapur, District-Muzaffarpur and this perhaps explains why the O.P. No.2 despite receiving notice chooses not to appear and contest.

4. The learned APP for the State opposes the prayer for anticipatory bail.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.1051 of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. However, it is made clear that 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 the O.P.



No.2 has not performed her second marriage and the petitioner misled the Court for obtaining anticipatory bail.

The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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