

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55953 of 2023

Arising Out of PS. Case No.-1028 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Vickky Kr. Paswan @ Bickki Kumar Paswan, S/O Ranapati Paswan R/O
Mohalla- Ramsabha Gaushala, Ps. And Dist. Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandani Kumari W/O Viccky Kumar Paswan, D/O Ganesh Paswan R/O
Mohalla- Ramsabha Gaushala, Ps. And Dist. Katihar. At Present Resident Of
Mohalla Mofarganj, No 3 Gate Near F.C.I. Katihar, Ps. And Dist. Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-02-2024 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 498(A), 448, 323 and 34 of the Indian Penal Code

and Sections 3 and 4 of the D. P. Act.

3. The learned counsel for the petitioner submits

that from perusal of the office report dated 21.02.2024, it

would manifest that the same records that opposite party

no.2 refused to accept the ordinary notice.

4. Since opposite party no.2 has refused to accept



the notice, as such, it would be deemed to have been validly served.

5. The learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the present case. It is also submitted that petitioner is ready and willing to keep the complainant with honour and dignity, but then, she chooses not to appear and contest, which amply demonstrates that she is not interested in restituting her conjugal life.

6. Learned A.P.P. opposes the anticipatory bail application and submits that from perusal of the pleadings made in the anticipatory bail application, it manifests that relationship between the petitioner and the opposite party no.2 is still subsisting as husband and wife and if the wife refused to accept the notice, it may be a possibility that she felt tortured at the hands of the petitioner or she may not be in a financial condition to approach this Court through a learned lawyer.

7. The learned counsel for the petitioner, based on instruction of the petitioner, submits that petitioner in order



to establish his bonafide would pay an amount of Rs.5,000/- Five Thousand) towards monthly maintenance of the opposite party no.2, which shall commence from 11.03.2024.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Katihar in connection with C.A. Case No.1028 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. However, it is made clear that the opposite party no.2 shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail application of the petitioner in the event, if the petitioner, for two consecutive months, does not pay the maintenance amount



as agreed.

(Satyavrat Verma, J)

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