

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59472 of 2023

Arising Out of PS. Case No.-1096 Year-2022 Thana- COMPLAINT CASE District- Banka

DIWAKAR PANDIT @ DIWAKAR KUMAR SON OF CHHOTELAL
PANDIT R/O VILLAGE- GHAGHARA, PS. CHANDRAMANDI, DIST.
JAMUI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PUJA DEVI W/O DIWAKAR PANDIT @ DIWAKAR KUMAR, D/O
NARESH PANDIT R/O VILLAGE- LALPUR, PS. CHANDAN (O.P.
BHAIROGANJ), DIST. BANKA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 21-03-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323,
498(A) and 504 of the Indian Penal Code as well as Sections 3
and 4 of the Dowry Prohibition Act.

3. By order dated 14.03.2024, the petitioner and the
opposite party no. 2 were directed to remain physically present
before this Court on 20.03.2024 but when the case was taken up
on 20.03.2024 neither the opposite party no. 2 appeared nor she
was represented by her learned lawyer as such the case was



fixed for today.

4. Today, when the case is taken up, the learned counsel appearing on behalf of the opposite party no. 2 submits that despite his best endeavour he could not contact the opposite party no. 2 nor the opposite party no. 2 ever tried to contact him.

5. Learned counsel for the petitioner submits that petitioner being husband has been falsely implicated in the instant case. It is further submitted that earlier the petitioner was working at Hyderabad but after death of his elder brother he had come back to his village and he is also interested in restituting his conjugal rights but then it appears that opposite party no. 2 is not interested as she did not appear nor her learned lawyer was able to contact her.

6. Since the opposite party no. 2 did not appear as such it appears that she is not interested in restituting her conjugal rights and the petitioner on both dates is present.

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 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 Complaint Case No. 1096 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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