

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63479 of 2024

Arising Out of PS. Case No.-646 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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Abhishek Kumar, Son Of Parsuram Prasad R/O Village- Bhedeji, P.S.-
Muffasil, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Kumari W/o Abhishek Kumar, D/o Sunil Kumar R/o Village-
Bhedeji, P.S.- Muffasil, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Mohammad Sufyan
None

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. No one appears on behalf of the complainant.

3. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 498(A), 323, 504 and 506 of the Indian Penal Code and
Sections 3 and 4 of the D. P. Act.

4. The learned counsel for the petitioner submits that
by order dated 05.10.2024, the case was referred for mediation.
It is next submitted that the mediation proceeding failed for the
reason that the opposite party no.2 and her lawyer appeared only
on one date and thereafter, never appeared. It is next submitted



that petitioner being husband has been falsely implicated in the instant case by the opposite party no.2 with general and omnibus allegation. It is also submitted that opposite party no.2 after completing her qualification and training as a beautician started working in beauty Parlour and presently is working in Habib Beauti Parlour at Guwahati and this perhaps explains why the opposite party no.2 was not interested in attending the mediation proceeding.

5. The learned counsel for the petitioner next submits that since opposite party no.2 was not interested in continuing with her conjugal relationship with the petitioner, as such, petitioner filed divorce case being Matrimonial Case No.439 of 2022, which is pending adjudication in the Court of the learned Principal Judge, Family Court, Gaya.

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

7. Considering the submissions made by the learned counsel for the petitioner and the fact that today also no one appears on behalf of the complainant, 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 Chief Judicial Magistrate, Gaya in connection with Complaint Case No.646 of 2023, 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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