

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64120 of 2023

Arising Out of PS. Case No.-305 Year-2011 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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PAPPU YADAV S/O RAJENDRA YADAV R/O VILLAGE- SONERPUR,
P.S- KATRISARAI, DISTT.- NALANDA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. HEMA DEVI D/O MUNGESHWAR CHOUDHARY R/O VILLAGE-
KOYARI BIGHA, P.S- BARBIGHA, DISTT.- SHEIKHPURA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 12-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 498(A),
323 of the Indian Penal Code.
3. From perusal of the office report dated 09.01.2024,
it manifests that the same records that the process server has
reported that the O.P. No.2 does not reside at the given address.
Further the postal peon has also reported that the addressee
could not be traced out.
4. The learned counsel submits that the notices were
sent on the address as given in the complaint case by the



complainant but then the report of the process server and postal peon records that the complainant does not reside at the given address, as such, even the petitioner is not aware of the address of the O.P No.2. It is next submitted that the petitioner has been falsely implicated in the present case. It is also submitted that the petitioner never married the O.P. No.2 rather petitioner is married to Khushbu Devi. It is next submitted that it is his wife who has even sworn the present affidavit. It is further submitted that since the petitioner never married the O.P. No.2, as such, he is not even aware where she is staying hence he cannot find her present and correct address. It is also submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the O.P. No.2 alleges that she was married with the petitioner in the year 1995 but then there is no averment or mention that out of the wedlock, child was born. It is thus submitted that the petitioner is completely unaware that how and on what basis he has been implicated in the present case.

5. In view of the submissions made by the learned counsel for the petitioner, the court for the present is not inclined to issue fresh notices upon the O.P. No.2.

6. The learned APP opposes the anticipatory bail application of the petitioner.



7. Considering the submission 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No.305(c) of 2011, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the O.P. No.2 would be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if it comes to her notice that bail has been obtained by misleading this court.

(Satyavrat Verma, J)

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