

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68099 of 2023

Arising Out of PS. Case No.-685 Year-2021 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

RAJESH SAW @ RAJESH KUMAR Son of Bhushan Sao R/o vill -
Pratappur, P.S. - Sandesh, Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Kumari Wife of Rajesh Saw, D/o Sri Abhilakh Sao R/o vill -
Bichedi, P.O. - Arap, P.S. - Naubatpur, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 27-03-2024 1. Learned counsel for the petitioner seeks permission to make rectification at para 3 of the supplementary affidavit wherein inadvertently Annexure-3 has been typed when it ought to have been Annexure-4.
2. Permission is accorded.
3. Heard learned counsel for the petitioner and learned A.P.P. for the State.
4. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 324, 498A and 494/34 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.
5. In view of the office report dated 19.12.2023, a jointness application on behalf of the petitioner has been filed as



it has been recorded in the office note dated 19.12.2023 that ordinary notice was received by the sister-in-law (Bhabhi) of the opposite party no. 2.

6. Since the jointness application has been filed as such the notice is deemed to have been validly served.

7. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case being the husband of the opposite party no. 2 and is the real victim as the opposite party no. 2 concealing her first marriage married him. It is further submitted that this perhaps explains why the opposite party no. 2 chooses not to appear and contest, despite notice being validly served. Learned counsel next draws the attention of the Court to the supplementary affidavit dated 07.03.2024 wherein it has been specifically stated that opposite party no. 2 married the petitioner concealing her earlier marriage and in support thereof photographs have been annexed by way of Annexure-4.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. In view of the submissions made by the learned counsel appearing on behalf of 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. 685(C) of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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