

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69016 of 2023

Arising Out of PS. Case No.-231 Year-2020 Thana- RAMGARH District- Kaimur (Bhabua)

ASHOK KUMAR S/O SHRI NIVAS RAM R/O VILLAGE
ANDOUR@ANDAUR LAHERI , P.S KOCHAS, DISTRICT-ROHTAS AT
SASARAM

... .. Petitioner/s

Versus

1. The State of Bihar
2. KAJAL KUMARI D/O LATE SHIVPUJAN RAM R/O VILLAGE-
MAHUARI, P.S-RAMGARH DISTRICT-KAIMUR AT BHABUA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 02-07-2024 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 offences punishable under Sections 109, 120B,
366, 376 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that
from perusal of the office report dated 28-6-2024, it would
manifest that the same records that notice on behalf of the OP
No. 2 has been received by her mother.
4. Since the notice on behalf of the OP No. 2 has been
received by her mother, as such it is deemed to have been
validly served.



5. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant and this perhaps explains why the OP No. 2 despite receiving notice, chooses not to appear and contest. The learned counsel next submits that relationship in between the petitioner and the OP No. 2 was completely consensual and there was no promise of marriage. It is next submitted that OP No. 2 has solemnized her marriage with one Aditya son of Sri Raja Ram, R/o-Lal Gate Farakkhabad, Uttar Pradesh (U.P) on 20-5-2022 and is leading a happy conjugal life with her spouse.

6. It is next submitted that the case was taken up on 1-11-2023, when the aforesaid submission was taken note of and based on which notices were issued and the notice on behalf of the OP No. 2 has received by her mother, but then the OP No. 2 has not come forward to contest the case, which amply demonstrates that the contention of the petitioner that OP No. 2 has performed her marriage with Aditya stands corroborated.

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

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 trial court 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 Ramgarh P.S. Case No. 231 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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