

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75951 of 2023

Arising Out of PS. Case No.-1842 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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BHUSAN KUMAR S/o- Late Ramashray Prasad @ Ramashray Paswan R/o
Village- Kandi, P.S.- Chandauti, District - Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. Reena Kumari D/o- Late Mirchan Paswan, W/o- Bhusan Kumar R/o- Village
- Kandi, P.S.- Chandauti, P.O.- Bitho Sharif, District - Gaya, Bihar.
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 15-05-2024 **1.** Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323 and
498A of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
from perusal of the office report dated 13-5-2024, it would
manifest that the same records that R Net tracking, Item
Delivered (Addressee) which is kept at flag "A". It is further
submitted that from perusal of flag "A", it would manifest that
the same records that item delivered.

4. Since the notice stands delivered to the addressee,
i.e. OP No. 2, the notice is deemed to have been validly served.



5. The learned counsel for the petitioner submits that OP No. 2, despite receiving notice, chooses not to appear and contest, which amply demonstrates that she is not interested in pursuing the case. It is next submitted that petitioner, being husband, has been falsely implicated in the instant case with general and omnibus allegation of demand and torture. It is next submitted that petitioner was married to the complainant about six years back and out of the wedlock, two children were born, who presently are residing with the complainant. It is further submitted that petitioner many a times made endeavours to bring the complainant and the children back to her matrimonial home but the complainant is not willing to come back as she does not intend to stay with her widowed mother-in-law. It is next submitted that with passage of time, relationship may improve with intervention of well-wishers.

6. It is further submitted that petitioner is willing to pay monthly maintenance of Rs. 4,000/- (four thousand) to the OP No. 2.

7. The learned APP submits that no useful purpose would be served by sending the petitioner to jail, since the petitioner is willing to pay a monthly maintenance of Rs. 4,000/- to the OP No. 2.



8. Considering the submission made by the learned counsel for the parties, 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. 1842 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the anticipatory bail granted to the petitioner, in the event if the petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

10. The learned trial court is directed to hand-over a photocopy of the present order to the learned counsel appearing on behalf of the complainant.

(Satyavrat Verma, J)

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