

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74971 of 2022

Arising Out of PS. Case No.-577 Year-2021 Thana- MANER District- Patna

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SUNNY KUMAR SON OF HARI PRASAD RAI @ HARI RAI R/O
RAMPUR DIYARA, P.S.- MANER, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. DIVYA KUMARI WIFE OF SUNNY KUMAR, D/O PANKAJ KUMAR
RAI R/O BHAWANI TOLA, P.S. - MANER, DISTRICT - PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Prasad Bhartee, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 04-03-2024 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 offences punishable under Sections 341, 323
and 498A/34 of the Indian Penal Code as well as Sections 3 and
4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
notice on behalf of the opposite party no. 2 has been received by
her father with whom she is staying after leaving the petitioner.
It is further submitted that when the case was taken up before
the learned trial court notices were issued upon the opposite
party no. 2 but there also she did not appear. It is next submitted
that since father has accepted the notice with whom she is



staying presently, hence, the notice has been validly served.

4. In view of the submissions made by the learned counsel for the petitioner, the notice is deemed to have been validly served.

5. Learned counsel for the petitioner submits that petitioner, being the husband of the opposite party no. 2, is a person with clean antecedent and has been falsely implicated by the opposite party no. 2 with an allegation of demand of dowry and torture. It is further submitted that the allegation also does not inspire confidence. It is next submitted that for reasons best known the opposite party no. 2 chooses not to appear and contest the case. It is also submitted that the opposite party no. 2 is a working lady.

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

7. 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 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 Maner P.S. Case No. 577 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner in the event if the opposite party no. 2 as of date is not working anywhere.

(Satyavrat Verma, J)

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