

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81199 of 2023

Arising Out of PS. Case No.-264 Year-2016 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Amit Prasad @ Amit Kumar S/O Anurudh Sonar @ Anurudh Prasad Village- Athar,
Ps. Nawa Nagar (BASUDEVA O.P.), Distt. Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Devi W/O Amit Prasad, D/O Bhirgunath Prasad Village- Lala Toli, Ward
No. 12,Dumraon, Ps. Dumraon, Dist. Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-03-2024 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 Section 498A of the
Indian Penal Code.

3. The learned counsel for the petitioner submits that
by order dated 10-1-2024, notices were issued on the OP No. 2
and the same was filed in time, but then from perusal of the office
report dated 20-2-2024, it manifests that the service report of the
ordinary notice was not received, thereafter again the case was
taken up on 22-2-2024 when the petitioner was directed to take
steps for fresh service of notice on the OP No. 2 on a correct
address. In pursuance whereof, the notices were filed in time, but
from perusal of office report dated 20-3-2024, it manifests that



the addressee could not be found at the given address.

4. The learned counsel for the petitioner submits that from perusal of the order impugned, it would manifest that even notices were issued by the district court on the OP No. 2 but then also a report came that address not found. It is thus submitted that it appears that the OP No. 2 is not interested in pursuing the case as notices were sent on the address as given in the complaint case.

5. In view of the submissions made by the learned counsel for the petitioner, the court does not intend to issue notice afresh.

6. Learned counsel for the petitioner submits that petitioner is always ready to keep the OP No. 2 with honor and dignity, but then it appears that OP No. 2 is not interested in continuing with the relationship. It is also submitted that it absolutely does not stand to reason that how the addressee could not be found when the notices were sent on the address given by the OP No. 2 in the complaint case.

7. It is next submitted based on instruction that petitioner in order to establish his bonafide is willing to pay a monthly maintenance of Rs. 3,000/- to the OP No. 2 but then asserts and submits that the relationship in between the petitioner and the OP No. 2 has strained as the petitioner disputes the



fatherhood of the child. It is next submitted that the maintenance as agreed will commence from 8-4-2024.

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

9. 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. 5,000/- (Rupees Five 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. 264(C)/2016 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However the OP No. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not pay the maintenance amount as agreed for two consecutive months.

(Satyavrat Verma, J)

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