

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83112 of 2023

Arising Out of PS. Case No.-248 Year-2019 Thana- COMPLAINT CASE District- Araria

AMAN KUMAR SAH SON OF SANJAY KUMAR SAH R/O VILLAGE-
POTHIYA GANGELI, P.S.- JALALGARDH, DIST.- PURNEA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SUPRIYA KUMARI D/O KHELANAND BISHWAS, WIFE OF AMAN
KUMAR SAH R/O VILLAGE- BODAIL, P.S.- JOKIHAT, DIST.- ARARIA
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 02-05-2024 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 and Section 4 of the Dowry Prohibition Act.
3. Learned counsel for the petitioner submits that
from perusal of the office report dated 01.05.2024, it would
manifest that the complainant/opposite party no. 2 has received
notice personally.
4. Since the notice has been received by the
complainant personally as such the notice is deemed to have
been validly served.
5. Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case by the complainant. It is further submitted that concealing the fact that the complainant belongs to the third gender, the marriage was performed and when the petitioner came to know about the same, he questioned the complainant that as to why she married him when she could not bear child for him on which the complainant left the matrimonial home and instituted the present case as well as the Maintenance Case No. 445(M) of 2022 which is pending adjudication in the Court of learned Principal Judge, Family Court, Araria. It is next submitted that petitioner has appeared in the Maintenance Case No. 445(M) of 2022 wherein he has filed his reply in which he has categorically stated that the complainant belongs to the third gender. It is also submitted that this perhaps explains why the complainant despite receiving the notice chooses not to appear and contest.

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 Complaint Case No. 248C of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the complainant shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner if it is found that petitioner obtained anticipatory bail by misleading the Court.

(Satyavrat Verma, J)

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