

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2728 of 2024

Arising Out of PS. Case No.-1035 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

=====

Khurshid Shah SON OF Bashir Shah RESIDENT OF Village- Lesliganj, P.S.-
Lesliganj, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Halima Khatoon W/o Khurshid Sah, D/o Md. Abdulla R/o Lesliganj, P.S.-
Lesliganj, District- Palamu (Jharkhand), At present resident of Mohalla-
Islamganj, P.S.- Chandauti, District-Gaya.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Md. Nazir Ansari

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-04-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
in compliance of the order dated 31.01.2024, notices were filed
for being served on O.P. No. 2, but then from the office report
dated 28.03.2024, it manifests that the same records that the
notices were returned unserved with report of the Process Server
that O.P. No. 2 does not reside at the given address. She resides
outside. The learned counsel for the petitioner submits that the
notices were sent on the address given by the O.P. No. 2 in the
complaint case, but then the same could not be served on the
ground that O.P. No. 2 does not reside at the given address. It is



further submitted that even petitioner tried to find out the whereabouts of O.P. No. 2 and the child but then was not able to locate. It is thus submitted that though notices could not be served validly, but then petitioner does not know where the O.P. No. 2 presently is residing.

3. In view of the submissions made by the learned counsel appearing on behalf of the petitioner, no useful purpose would be served by directing the petitioner to send notices afresh.

4. The learned counsel for the petitioner further submits that petitioner is willing to keep the O.P. No. 2 and the child with honour and dignity, but it appears that presently the O.P. No. 2 does not intend to restitute her conjugal rights but then with passage of time, the dispute may get resolved. It is further submitted that petitioner is willing to pay a monthly maintenance of Rs. 3,000/- to the O.P. No. 2 and the child. It is also submitted that petitioner is a plumber. It is next submitted that the amount shall be deposited in the *Nazarat* of District Court, Gaya which shall commence from 01.05.2024.

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

6. 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 Complaint Case No. 1035 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the O.P. 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 amount of monthly maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

