

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28338 of 2014

Arising Out of PS.Case No. -1670 Year- 2011 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Jais Kumar Gupta @ Jais @ Gopal Kr. Gupta Son of Mohan Prasad Gupta
2. Mohan Prasad Gupta Son of Late Vijaydeo Gupta
3. Geeta Devi Wife of Mohan Prasad Gupta All are resident of-Batraha Krishna Nagar Ward No.23 Saharsa P.S. and District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarika Gupta Wife of Jais @ Gopal Kumar Gupta, D/o-Late Sitaram Prasad Gupta Resident of Village-Bhirkhi Chok Ward No.26 Madhepura, P.S. and District-Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Kanhaiya Kishor(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 13-03-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being the husband of the complainant and petitioner nos. 2 and 3 being parents of petitioner no. 1 are apprehending arrest in a complaint case filed with accusation under Sections 323,504 and 498A of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

Notices were issued to the complainant vide order dated 11.7.2014 and fresh notices were issued vide order dated

11.11.2014. Order dated 25.2.2015 suggests that the notices were received by the mother of O.P. No. 2 and thereafter, as directed, the petitioners filed a supplementary affidavit with regard to the jointness of O.P. No. 2 with her mother when the notice issued to O.P. No. 2 were treated to be a deemed valid service but none is appearing on behalf of O.P. No. 2.

On instructions, it is submitted that the petitioner no. 1 is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no.9 of the petition which reads as follows:

“That, the petitioners are ready to keep the complainant with all regard.”

Considering the present stand of the petitioner no. 1, let the above named petitioner no. 1 be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Saharsa in connection with Complaint Case No. 1670C of 2011 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the

complainant and on her appearance the petitioner no. 1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no. 1 will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

Considering the stand of petitioner no. 1, let the above named petitioner nos. 2 and 3 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM Saharsa in connection with the aforementioned complaint case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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