

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41432 of 2014

Arising Out of PS.Case No. -58 Year- 2012 Thana -COMPLAINT CASE District- ARRARIA

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Gaurav Prasad Gupta @ Sachin Gupta @ Gaurav Kumar Gupta Son of
Devendra Prasad Gupta R/o Village Sukhasan Road (Bhirkhi), Ward No.
25, P.S. Madhepura, District Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Devi w/o Gaurav Prasad Gupta @ Sachin Gupta r/o village Ghurna
Bazar, P.S. Ghurna(Narpatganj), District Araria.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-01-2015 Heard learned counsel for the parties.

Learned counsel for the petitioner prays for and is
allowed to implead Priti Devi as opposite party no. 2 to
this application.

Having regard to the nature of allegation against
the petitioner for the offence punishable under Section-
498A of the Indian Penal Code and the fact that the
petitioner is the husband who somehow wants to get rid
of his wife, the complainant and that is how after filing
of the complaint case, he has filed a divorce suit even
when his helpless wife, the opposite party no. 2 is still
ready to live with him as is recorded in the ordersheet of



the learned Additional Sessions Judge this court was initially not inclined to grant bail to the defiant petitioner who is not even prepared to fulfil his responsibility as a husband and keep his wife with him under the same roof.

Learned counsel for the petitioner however has submitted that the petitioner for getting bail in this case is ready to maintain his wife by way of payment of sum of Rs. 4000/- per month at least till the end of the trial and/or the matrimonial case, whichever is disposed of earlier.

This Court keeping in view the aforesaid offer, age and future of the petitioner namely, Gaurav Prasad Gupta @ Sachin Gupta @ Gaurav Kumar Gupta, would direct for his being released on bail subject to his filing a written undertaking for making payment of Rs. 4000/- per month for maintenance of his wife, opposite party no.2 and also on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each

to the satisfaction of **S.D.J.M., Araria** in connection with **Complaint Case No. 58C of 2012**, and on fulfilling following conditions:-

(i) Such amount of Rs. 4000/- has to be deposited by the petitioner in the concerned Court on month to month basis commencing from January 2015 by every fifth day of the next month till the end of trial or matrimonial case filed by him against opposite party no. 2, and such amount shall be paid to the wife (Opposite Party No. 2) of the petitioner and failure to do so by the petitioner even for a single month would automatically entail the consequences of cancellation of his bail.

(ii) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Ranjan/-

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