

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1497 of 2015

Arising Out of PS.Case No. -37 Year- 2014 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

Vijay Prasad Gupta, son of Late Bishwanath Prasad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi, wife of Vijay Prasad Gupta

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva
For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 15-01-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Bagaha Mahila P.S. Case No. 37 of 2014 registered for the
offences punishable under Sections 341, 323, 504, 498A/34 of the
Indian Penal Code and ¾ of Dowry Prohibition Act.

Admittedly, petitioner is husband of the opposite
party no. 2. The first information report does not disclose the year
of marriage but case of the petitioner is that his marriage was
solemnized with the informant (opposite party no. 2) in the year
2004 and after marriage, three children were born out of the
aforesaid wedlock but opposite party no. 2 without any rhyme and
reason started living separately from the petitioner for which

petitioner filed a suit for restitution of his conjugal rights.

It would appear from perusal of the impugned order that the learned Sessions Judge attempted to patch up the dispute of the parties but opposite party no. 2 flatly refused to lead her conjugal life with the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bagaha, West Champaran in Bagaha Mahila P.S. Case No. 37 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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