

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45353 of 2014

Arising Out of PS.Case No. -391 Year- 2010 Thana -ARA NAGAR District- BHOJPUR

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Sachindra Nath Gupta Son of Bhola Nath Gupta Resident of village- M.P. Lane, Nehru Vidyapith, P.O.- Telinipara, Police Station- Telinipara, District- Hugali (West Bengal))

.... Petitioner/s

Versus

1. The State of Bihar
2. Rupauli Rani, Daughter of Gautam Prasad, Wife of Sachindra Nath Gupta Resident of Aranya Devi Asthan Chowk, (Badi Masjid), P.S.- Ara Town, District- Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 07-04-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

Notices were issued to the informant-opposite party no. 2 vide order dated 23.12.2014 on submission of learned counsel for the petitioner that the petitioner is ready to keep the

informant as wife with full dignity and honour. Statement to that effect has been made in para 14 of the petition, which reads as follows:- **“That after all the petitioner is still ready to keep his wife with full dignity and honour.”**

The petitioner also claims to have filed a matrimonial suit for restitution of the conjugal life being Matrimonial Suit No. 171 of 2000 and in pursuance to the order in Maintenance Case No. 55 of 2012 the petitioner was making payment of maintenance of Rs.5,000/- per month to opposite party no. 2, but the petitioner has challenged the said order of maintenance in Criminal Revision and now in pursuance to the order of the Revisional Court the petitioner is making payment of Rs.3500/- to opposite party no. 2.

The petitioner and the opposite party no. 2 are present. The petitioner is still ready to reconcile the issue or to make payment of permanent alimony. The informant-opposite party no. 2 is not ready to accept the offer of the petitioner due to the past conduct of the petitioner.

Considering the facts and circumstances of the case, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing

bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 391 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail to the petitioner will not preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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