

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50744 of 2014

Arising Out of PS.Case No. -83 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Deepak Kumar Gupta

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. M.K. Khare (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 13-01-2016

Heard learned counsel for the petitioner, learned counsel

for opposite party no. 2 and learned counsel appearing on behalf
of the State.

The petitioner is present in person as per earlier direction
of this Court. O.P. No. 2 is also present along with her two
children, namely, Subham and Ayush aged about 10 and 8
respectively.

I have interacted with the parties individually as well as
together and after much deliberation, this Court has come to the
conclusion that at present restoration of normal family life is not
imminent. Though the petitioner has stated in his affidavit that he
is willing and ready to keep his wife with full honour and dignity yet
on interaction, it appears that such statement is purely ornamental.
Even in chambers today, he has stated that he is willing and ready

to keep his wife with full honour and also contends that there was no act of torture or any physical attack on the O.P. No. 2 so as to necessitate her to leave her matrimonial home and filing the present case.

Though, not called upon, the parents of the O.P. No. 2 are also present in the Court for the sake of their daughter's security and have been called upon to ascertain as to whether it is possible that their daughter could go back to her matrimonial home and live with her husband. The children are also present and on interaction, have confirmed that their mother has been severely beaten up by the petitioner on several occasions and made unconscious by the petitioner.

Whatever may have been the chain of circumstances, which necessitated O.P. No. 2 to leave her matrimonial home. O.P. No. 2 at present submits that she is apprehensive of going and live with her husband on account of the past conduct of the petitioner. Though she is anxious to have her martial relations with her husband restored, she fears threat to her life and that of her children and thus submits that she would like to test the bonafides of her husband and is willing to be cooperative with him, she has extended the offer that if the petitioner will come and visit her parents house where she is residing presently then she will be able

to asses his true conduct and behaviour till she finally decides to leave her parents house to go and live with her husband. However, the petitioner has squarely rejected the said proposal of the O.P. No. 2 and submits that he is not happy with the conduct of the parents of his wife and will never go to live with his wife in his *Sasural*.

Considering the fact that the petitioner has adopted a reluctant attitude and it appears that there is no immediate resolution to the dispute, the interim order dated 14.10.2015 stands withdrawn and thus the prayer for anticipatory bail stands rejected.

(Anjana Mishra, J)

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