

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34900 of 2016

Arising Out of PS.Case No. -776 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Sumeet Kumar Gupta Son of Hanuman Prasad Gupta resident of A/97-98, Vaikunthdham Tenements, P.S.- Makarpura, Vadodhara- 390014 Gujarat.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pooja Kumari @ Pooja Gupta, aged about 27 years, wife of Sumeet Kumar Gupta and daughter of Prem Nath Khatri resident of Ashok Chakra Gali, Gurhatta, Post- Jhauganj, Police Station- Khajekalan, Patna City.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh
For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-11-2016 The matter has been listed under the heading ‘For Orders (on office notes) awaiting service report of notice issued to O.P. No. 2 but Mrs. Shruti Singh, learned counsel has entered appearance on behalf of O.P. No. 2, hence the matter is being taken up on merits with consent of learned counsel for the parties.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment

of dowry demands.

The petitioner and the O.P. No. 2 are present in court.

The petitioner admits his marriage with the complainant having no issue but since the complainant had some relationship with one Raju Sah before the marriage with the petitioner, subsequently she performed marriage with Raju Sah. Statement to that effect has been made in paragraph 9 of the petition.

Learned counsel for the complainant submits that the complainant was being tortured continuously for four years after marriage hence ultimately she was compelled to marry with Raju Sah.

This is not in dispute that the marriage between the petitioner and the complainant has not been dissolved though the petitioner has filed Matrimonial Suit No. 279 of 2016 before the learned Principal Judge, Family Court, Patna with a prayer for divorce. Both sides agree to file fresh matrimonial suit under section 13(B) of the Hindu Marriage Act before the learned Principal Judge, Family Court, Patna within a period of four weeks. They also agree to file appropriate compromise petitions in all the cases pending between the parties. It is further submitted that the complainant is not opposing the prayer of the petitioner for grant of anticipatory bail.

Considering the present stand of the parties, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned SDJM, Patnacity in connection with Complaint Case No. 776 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

It goes without saying that if the matrimonial suit is filed under section 13(B) of the Hindu Marriage Act before the learned Principal Judge, Family court, Patna, the same will be disposed of expeditiously in accordance with law.

(Dinesh Kumar Singh, J)

Anil/-

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