

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11711 of 2017

Arising Out of PS.Case No. -1474 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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MANOJ KUMAR GUPTA @ MANOJ GUPTA, son of Sri Rameshwar Prasad Gupta, resident of Anjali Sadan, Pandarwa Simali, P.S.-Malsalami, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushma Kumari, W/o Manoj Kumar Gupta @ Manoj Gupta, D/o Jagdish Pd. Sah, Makan No. A/19 Sanjay Gandhi Nagar, Road NO.- 1 Hanuman Nagar, P.S.- Patrakar Nagar, Dist.- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao, Advocate,
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 29-06-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Complaint Case No.1474-C of 2013 instituted for the offence under Section(s) 498-A Indian Penal Code and Section 3/4 of the Dowry Prohibition Act pending in the Court of the Sub-Divisional Judicial Magistrate, Patna.

Notice was issued to the Opposite Party No.2, which has validly been served as the same has been received by her brother, but today none appears on behalf of the Opposite Party No.2.

Petitioner is husband of the complainant.

It has been submitted on behalf of the petitioner that the complainant herself has left the house of the petitioner in the



year 2006 for which he filed Information Petition in the Court of Additional Chief Judicial Magistrate, Patna City vide Information Petition No.1103 of 2006, which has been annexed as Annexure-2 and thereafter Advocate's notice was also sent to the Opposite Party No.2 by the petitioner, which is Annexure-2/1, but no reply was given. The petitioner, then, filed matrimonial suit vide Suit No.430 of 2013 under Section 13 of the Hindu Marriage Act, which is pending before the Principal Judge, Family Court, Patna, in which the complainant has appeared.

However, from the impugned order, it appears that there is specific allegation against this petitioner that after filing petition before the Women's Commission, the complainant had gone to her *Sasural*, but the petitioner, again, misbehaved with her and also attempted to set her ablaze and thereafter she came to her *Maika*.

In view of such, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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