

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58628 of 2018

Arising Out of PATNA COMPLAINT CASE No.141 (C) of 2017 District- Patna

Atis Dipankar @ Chunna , son of Late Vinay Prasad Gupta, resident of Mohalla- Gandhi Nagar, Marwadi Tola, In Front of Shyam Mandir , Police Station - Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Komal Gupta , wife of Atish Dipankar, Daughter of Sri Jaypal Prasad, resident of Mohalla- Chandmari Road, Kankarbagh, Police Station - Kankarbagh, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Upadhyay Saurabh Kumar, Advocate
For the Opposite Party/s : Sri Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-09-2018 Heard Sri Upadhyay Saurabh Kumar, learned counsel for the petitioner and Sri Ashok Kumar, learned Additional Public Prosecutor.

The petitioner, husband of the complainant apprehending his arrest in connection with Complaint Case No. 141(C) of 2017 , registered for the offence under Section 498A of the Indian Penal Code, 1860, has prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner at the very outset has drawn my attention to the statement made in paragraph - 11 of the petition to show that complainant /opposite party- 2 has already filed a matrimonial case under Section 13 (1) of



the Hindu Marriage Act , 1955 vide Matrimonial Case No. 364 of 2018 for dissolution of marriage.

Considering the fact that case has been initiated on the basis of complaint petition as well as the fact that wife / complainant has already filed divorce case, there is no reason to deny the prayer for grant of anticipatory bail.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let petitioner - Atis Dipankar @ Chunna be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Madhvi Singh, learned J.M. Ist Class, Patna / concerned court in connection with Complaint Case No. 141 (C) of 2017 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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