

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73507 of 2018

Arising Out of PS. Case No.-1104 Year-2012 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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Manoj Kumar Gupta Son of Late Shivnath Prasad Gupta @ Shiv Nath Sah
Resident of Village-Konhara Ghat,P.O. Hajipur,P.S. Hajipur,Distt.-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Preeti Devi Wife of Manoj Kumar Gupta Resident of Village-Konhara Ghat,P.O. Hajipur,P.S. Hajipur,Distt.-Vaishali. At Present resident of Mohalla-Bastimode Mochi Tola,Sasaram,P.S. Sasaram,Post Sasaram,P.S. Sasaram Distt.-Rohtas at Sasaram

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offence punishable under Section 498A of the Indian Penal
Code.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed on 25.11.2008 but subsequently, for non-
fulfillment of further dowry demand of a motorcycle and a gold
chain, torture was inflicted upon the complainant.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is husband of the complainant and he is ready to keep and live with his wife with all respect if she is ready to live with husband.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order, but it is the complainant, who is not inclined to reside with the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of 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 Sub-divisional Judicial Magistrate, Sasaram, Rohtas in connection with Complaint Case No. 1104 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the



complainant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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