

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36405 of 2018

Arising Out of PS. Case No.-89 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Bijendra Gupta, Son of Late Devendra Gupta, Resident of Quarter No. 5/85
Dul Prahladpur, Sonia Gandhi Camp, Police Station- Prahladpur, New Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kashish Kumari @ Chandani Kumari, Wife of Bijendra Gupta, Resident of Hospital Road, Masaurhi, Post Office and Police Station- Masaurhi, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Abhoy Kumar Kashyap
For the Opposite Party/s :	Mr. J.N. Thakur
	Mr. Rajesh Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 27-11-2018

Heard learned counsels for the parties.

The petitioner, being the husband of the complainant, is apprehending arrest in a complaint case filed with accusation for the offences punishable under Sections 323, 498A, 494 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, wherein, process has been directed to be issued after cognizance being taken.

The prosecution case as per the complainant is that she was married with the petitioner on 25.05.2014, but, subsequently, further dowry demand of Rupees Two Lakh was made and on non-fulfillment of the same, the complainant was not only tortured but she was also driven out from the



matrimonial house. It is also alleged that the petitioner has performed second marriage with one Kiran Kumari.

This Court vide order dated 28.06.2018 directed for issuance of notice to O.P. No. 2 in view of the submissions made by the 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 and statement to that effect being made in paragraph no. 8 of the petition, which reads as follows:-

“.....That the petitioner being husband always ready to keep the Opposite Party No. 2 with honour and dignity.....”

Today the petitioner and complainant O.P. No. 2 are present in Court. It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the complainant with full dignity and honour.

Learned counsel for the petitioner further submits that the petitioner has not performed second marriage though statement to that effect has not been made in the petition and admits his marriage with the complainant, having no issue.

It is submitted by learned counsel for the complainant that the complainant who is present in Court has resolved the issue



and she is residing with the petitioner, hence he is not opposing the prayer of the petitioner for anticipatory bail.

Considering the present stand of the parties, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Masaurhi in connection with Complaint Case No. 89C of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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