

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9267 of 2019

Arising Out of PS. Case No.-1871 Year-2016 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Dilip Kumar Gupta @ Dilip Kumar, S/o Late Bhagule Ram Sah, Resident of Village- Rampur Mathura, P.S.- Rampur Mathura, District- Sitapur, State- Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Gupta, Wife of Dilip Kumar Gupta, Daughter of Pramod Sah, Resident of Village- Kashipur, Tajpur Road, P.S.-Town, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan

For the Opposite Party/s : Mr. Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 09-07-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 1871 of 2016, Trial No. 2532 of 2018, disclosing offences under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Allegation against the petitioner is of demand of four wheeler and due to non-fulfillment of the same, he assaulted the informant and later on ousted her from the house.

Submission of the learned counsel for the petitioner is that the whole allegation is false and concocted. He is still ready to keep her with dignity and care and further earlier he has filed a case under Section 9 of Hindu Marriage Act for restitution of conjugal rights and that has been decided in favour of the petitioner by an ex-parte order, which will appear from the



Annexure 3 of this application.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for anticipatory bail on the ground that she was subjected to cruelty and harassment and as such, it is not possible to reside with him. However, she has not been paid any single penny towards maintenance, though she is residing in her Maika. She has filed a Maintenance Case No. 5119 of 2019, which is pending before the Principal Judge, Family Court, Samastipur.

Having heard both sides, considering the above submission, as made above, this application is allowed. Let the petitioner, above named, surrender before the court below within six weeks, and on his surrender, he will be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M. Samastipur, in connection with Complaint Case No.1871 of 2016, Trial No. 2532 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with condition that he is to co-operate in disposal of the maintenance case and appear as and when required and further he will be abide by any order either interim or final, passed by the learned Family Court.



It is also made clear that one of the bailors should be
the local person.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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