

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28313 of 2019

Arising Out of PS. Case No.-372 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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Sampat Lal Gupta, S/o Late Naresh Lal Gupta Resident of Bhagat Singh Chowk, P.S.- Khunti, District- Khunti, Pin Code- 835210, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Gupta, W/o Sri Sampat Lal Gupta, D/o Dr. Tapeswar Prasad Resident of Bhagat Singh Chowk, P.S.- Khunti, District- Khunti, Pin Code- 835210, Jharkhand. Presently residing at Mohalla- Ramna, P.S.- Sherghati, District- Gaya, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mayank Shekhar, Adv. Mr. Saket Gupta, Adv.
For the Complainant	:	Mr. S.K. Lal, Adv.
For the State	:	Mr. Narsingh Tanti, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-12-2019 Heard learned counsels for the petitioner,

complainant and the State.

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

The prosecution case is to the effect that the marriage of the complainant was performed with the petitioner in the year 1999, but subsequently, after 2-3 years of the marriage, further demand of dowry of a car was made and due to non-fulfillment



of the same, complainant was tortured by the petitioner and other in-law family members.

It appears that on the joint prayer of the parties, the matter was referred to the Medication and Conciliation Centre of Patna High Court Legal Services Committee. The report of the Mediator dated 04.11.2019, kept at flag- 'X' reflects that issue could not be resolved through the process of mediation.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and out of wedlock, birth of two children.

It is further submitted that the complainant has also lodged an FIR, being Katpadi All Women P.S. Case No. 181 of 2014 in the State of Madhya Pradesh, registered for the offences punishable under Section 498A of the IPC and Section 4 of the Women Harassment Act, wherein the petitioner has been granted bail by learned Principal District Judge, Vellore, vide order dated 19.10.2016, passed in Cr. M.P. No. 4324 of 2016. Thereafter, the present complaint has been filed in the State of Bihar. It is further submitted that though learned Principal Judge, Family Court, Gaya vide order dated 03.11.2018, passed in Maintenance Case No. 100C of 2017 directed the petitioner to pay Rs. 50,000/- per month as maintenance to the



complainant, but the petitioner has challenged the said order. Moreover, at present, the petitioner is ready to keep the complainant as wife with full dignity and honour, though statement to that effect has not been made in the petition.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned Court below on 16.12.2019, when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, the provisional bail granted to the petitioner, vide order dated 01.05.2019 is extended by six months from today.

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 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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