

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68295 of 2018

Arising Out of PS. Case No.-1161 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Suraj Gupta and ors Son of Late Deep Narayan Sah,
 2. Anil Gupta, Son of Late Deep Naayan Gupta,
 3. Geeta Devi, Wife of Suraj Gupta, Serial No.-1 to3 are resident of Sahid Chowk, Jai Nagar, District- Madhubani.
 4. Jyoti Gupta, Wife of Ram Manohar Gupta, Resident of Mohalla- Ranjit Nagar, Patel Chowk, P.O. and P.S.- Ranjit Nagar, District- Central Delhi, New Delhi.
 5. Khusbu Gupta, Wife of Rohan Gupta,
 6. Rohan Gupta, Son of Vijay Kumar Gupta, Serial No.5 and 6 are resident at Flat No.- 1450, Town B. Galaxy Mega, Greater Noida, West Utter Pradesh.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Kumari Jyoti, Wife of Vivek Kumar Pankaj, Daughter of Jai Narayan Prasad Gupta, at present residing at Mohalla- Malgodam Road, Khagaria, Ward No.2, P.O., P.S. and District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Moleshwar
For the Opposite Party/s : Mr.Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 22-04-2019 Heard the parties.

Petitioners seek pre-arrest bail in
Complaint Case No.1161 of 2017 registered under Section
498(A) of the I.P.C.

Accusation is that the marriage of O.P.No.2 was
performed with Vivek Kumar Pankaj who happens to be the son
of petitioners no.1 and 3 on 30.06.2017 according to Hindu



custom. Thereafter O.P.No.2 went to her matrimonial house but behaviour of her husband and in-laws was not good and lastly she was taken by her brother to her parental house on 11.09.2017. While her husband came to her maika in the month of October, 2017 and he again made demand of dowry and started quarrel and returned to his house. Further case of the O.P. No.2 is that her parents had already given ornaments, cash etc. by way of gift at the time of fare bid of his daughter.

Learned counsel appearing on behalf of the petitioners submits that while the matter was referred to Mediation Centre, Patna High Court, Patna but the matter was not settled. The petitioners are in-laws of O. P. No.2 and have falsely been implicated in this case with false allegation. He further submits that, in fact, O.P. No.2 does not want to live with her husband Vivek Kumar Pankaj and only to harass the O.P.No.2 lodged the present case against her husband and all his family members.

On the other hand, learned counsel appearing on behalf of the O.P.No.2 submits that, in fact, the husband of the O.P.No.2 is impotent and not be able to lead conjugal life with the O.P.No.2. While the petitioners who are in-laws became ready to pay Rs.9,00,000/- as permanent alimony before the Mediation Centre but they did not appear before the Mediation



Centre and due to that mediation failed. Further submission is that the O.P. No.2 has filed divorce case before the Principal Judge, Family Court, Khagaria.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Khagaria, in Complaint Case No.1161 C of 2017 subject to the condition as laid down under Section 438 (2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

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