

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77843 of 2018

Arising Out of PS. Case No.-116 Year-2017 Thana- MUNGER COMPLAINT CASE District-
Munger

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Sumit Gupta, S/o Umashankar Gupta, Resident of Mohalla- Purani Bazar Sai Market, P.S.- Surajgarha, Distt. Lakhisarai, Presently reside at Rampur colony Quarter no. 296 A.B. Jamalpur Near Health Centre, P.s. - Jamalpur, Distt. -Munger.

... .. Petitioner

Versus

1. State Of Bihar
2. Shilpi Kumar, W/o Sumit Gupta, D/o Ajay Kumar sah resident of Purani Bazar P.S. - Surajgarha, Distt. - Lakhisarai, Presently reside at Sadar Bazar P.s. - jamalpur, Distt. Munger

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 116C of 2017 in which cognizance has been taken under Sections 323, 498A, 504 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting his wife to cruelty and harassment with respect to demand of dowry.

Submission of learned counsel for the petitioner is that he has filed a supplementary affidavit stating that the matter has been settled between the parties and petitioner has to pay Rs.6.5 lacs as permanent alimony and out of that Rs.20,000/- has already been paid and he has prepared a Bank Draft in the name of opposite party No.2 of Rs.6.3 lacs which will be given to her. It has also been submitted



that all the cases filed against the petitioner have to be withdrawn by opposite party No.2. It has also been submitted that both the parties have agreed to file a divorce petition on mutual consent before the competent court for divorce on mutual consent.

Heard learned APP and learned counsel for opposite party No.2, who has submitted that Bank Draft of Rs.6.3 lacs has not been handed over to her till date.

Having heard both sides and in the facts and circumstances, let petitioner, above named, surrender within a period of six weeks from the receipt of this order along with Bank Draft of Rs.6.3 lacs which will be released in favour of opposite party No.2 with condition that she and the petitioner move for divorce on mutual consent and once the same is deposited, he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Munger, in connection with Complaint Case No. 116C of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and it is expected that parties shall withdraw the cases filed against each other.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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