

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47437 of 2019

Arising Out of PS. Case No.-954 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Chandan Kumar Gupta @ Bhimnath Son of Manoj Prasad Gupta @ Manoj Kumar Gupta, Resident of Mohalla - Kiranapatti, Rafiganj, P.S.- Rafiganj in the District of Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sushma Devi Wife of Chandan Kumar Gupta @ Bhimnath Daughter of Binda Prasad Gupta, Resident of Mohalla - Shahpur Akhara, P.S.- Aurangabad Town in the district of Aurangabad.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Advocate
For the State	:	Mr.Ram Sumiran Rai, APP
For the Informant	:	Mr.Akhilesh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 20-12-2019 Heard learned counsel for the petitioner and learned counsel representing the opposite party no. 2 as also learned APP for the State.

Petitioner in the present case is seeking anticipatory bail in connection with Complaint Case No. 954 of 2018 registered for the offences punishable under Sections 323, 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Although, the mediation has failed but at this stage learned counsel for both the parties submit that the parties are willing to live together and for that purpose the petitioner would



visit the place of opposite party no. 2 within 15th January to 26th January, 2020 and shall bring her back to the matrimonial home.

Learned counsel for opposite party no. 2 submits that if the petitioner visits the place of opposite party no. 2 within the aforesaid period, opposite party no. 2 definitely accompany him to the matrimonial home and shall co-operate with him to live as wife and would try to restore normalcy in life.

In the aforesaid view of the matter, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Aurangabad in connection with Complaint Case No. 954 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police



officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that on his own undertaking he will visit the place of opposite party no. 2 within the aforesaid period and bring her back in matrimonial home where she will be allowed to live as a lawful wife with full dignity and care. In case of breach of any of these conditions, it will be open for the opposite party no. 2 to bring it to the notice of the court below and on such information being furnished to the court below an appropriate action shall be taken including for cancellation of bail bond of this petitioner.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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