

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49267 of 2019

Arising Out of PS. Case No.-918 Year-2017 Thana- BUXAR COMPLAINT CASE District-
Buxar

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OM PRAKASH UPADHYAY Son of Ras Bihari Upadhyay Resident of
Village-Kamdherpur, P.S-Koran Sariya, District-Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Gunjan Devi W/o Om Prakash Upadhyay, D/o Manoj Kumar Upadhyay
Resident of Village-Kamdherpur, P.S-Koran Sariya, District-Buxar,
Presently R/vill-Renka, P.S.-Sikroul, District-Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-10-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case No. 918(C) of 2017 instituted

for the offences punishable under Section 498A of the Indian

Penal Code and Section 4 of Dowry Prohibition Act.

As per complaint petition there is allegation against
the petitioner he demanded dowry and tortured the complainant.

Submission of learned counsel for the petitioner is
that earlier he has filed a divorce case being Matrimonial Suit
No.95 of 2016 against the complainant and she had appeared in
that case and thereafter the present case has been lodged and
further submitted that in divorce case a compromise petition has
been filed and later on the complainant has made allegation that



he tortured her, which is false and concocted and he is still ready to keep her with dignity and care.

On the other hand, learned counsel for opposite party No.2 has submitted that as she was tortured it is not possible for her to reside with the petitioner and she has a child also.

Heard learned APP also.

In view of the stand of the parties, this application is disposed of with direction to both the parties to appear before the learned Principal Judge in divorce case and if an application under Section 24 of Hindu Marriage Act is filed by opposite party No.2, learned Family Judge after hearing both the parties will pass an order on the petition within a period of three months and on the above condition if petitioner surrenders in the court below by 18.11.2019 and files an undertaking that he will co-operate in the above divorce case, 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 each to the satisfaction of the Chief Judicial Magistrate, Buxar, in connection with Complaint Case No. 918(C) of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property



within the jurisdiction of the court concerned.

Let a copy of this order be sent to the Principal Judge,
Family Court, Buxar.

(Vinod Kumar Sinha, J)

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