

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53153 of 2019

Arising Out of PS. Case No.-583 Year-2018 Thana- COMPLAINT CASE District- Banka

Sanjeev Kr. Gupta, Aged about 31 years, Male, Son of Late Harihar Sah,
Resident of Nirsa High School Road, Dhanbad, P.S. Nirsa, District Dhanbad
(Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juhi Bharti, Aged about 30 years, Female, Wife of Sanjiv Kumar Gupta, D/o
Ram Shankar Prasad Sah, Resident of Village Katoriya, P.S. Katoria, District
Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-08-2019 Heard both sides.

Petitioner apprehends his arrest in Complaint Case
No.583 of 2018 for the offences allegedly committed by the
petitioner under Sections 498A, 323 and 34 of the Indian Penal
Code.

Complainant is the wife of the petitioner and the
complainant alleged that her husband subjected her to all sorts of
torture due to non-fulfillment of additional demand of dowry.

Learned counsel for the petitioner submits that the
complainant was married to the petitioner in the year 2012. The
complainant left the house of the petitioner without any rhyme or
reason with her children. When the complainant did not come to



the house of the petitioner even after much persuasion, the petitioner filed Matrimonial Suit No.139 of 2018 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The complainant got notice and thereafter she filed the complaint case. It is further submitted that the petitioner is still ready to keep his wife but the wife of the petitioner did not agree.

Taking into consideration the facts that the petitioner filed suit for restitution of conjugal rights prior to institution of the present case and the petitioner is still ready to keep his wife with all honour and dignity but his wife did not agree to accompany the petitioner, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Banka in connection with Complaint Case No.583 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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