

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70064 of 2019

Arising Out of PS. Case No.-248 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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DHANJEE PRASAD GUPTA @ DHANJEE SAH Son of Kanni Prasad
Resident of Village - Sidhauli, P.S.- Dalmiyanagar, Distt - Rohtas.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Guriya Devi Wife of Dhanjee Prasad Gupta @ Dhanjee Sah, D/o Gopal Prasad Gupta Resident of Village - Sidhauli, P.S.- Dalmiyanagar, Distt - Rohtas. At present resident of Village - Wasilpur, P.S.- Arwal, Distt - Arwal.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-11-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 248 of 2017, disclosing offences under Sections 498 (A), 341, 323, 504 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant and allegation against him is of brutally assaulting the complainant and ousting her from the house for demand of dowry.

Submission of learned counsel for the petitioner is that complainant is second wife of the petitioner as a matter of fact, he has a son from first wife and complainant does not like him and for that altercation took place and she has herself fled



away from the house and he is still ready to keep her with full honour and dignity.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances as above and also considering the fact that there is matrimonial dispute between the parties, as such, this application is disposed of with direction to the petitioner to surrender in the court below within three weeks from the date of receipt of a copy of this order, on which, the court below shall release the petitioner on provisional bail and in the meantime, he will issue notice to the complainant and on appearance of complainant, if she show her desire to live with the petitioner and petitioner is ready to keep her, the court below shall extend the provisional bail of the petitioner for a further period of six months to his own satisfaction and in the meantime, the court below will watch the conduct of the parties by calling the complainant and petitioner in the first week of each month for a period of six months and after six months, if the court below is satisfied with the conduct of the parties, specially the conduct of petitioner, he will confirm the provisional bail of the petitioner otherwise he is free to pass any order as he deems fit and proper.



It is also made clear that if on notice complainant does not appear or on appearance does not want to reside with the petitioner without any cogent reasons, in that situation also, the provisional bail of the petitioner shall be confirmed.

(Vinod Kumar Sinha, J)

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