

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20363 of 2020

Arising Out of PS. Case No.-584 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Santosh Kumar Gupta Son of Shiv Nandan Sahu Resident of Village- Malmal,
P.S.- Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Smt. Madha Kumari Wife of Santosh Kumar Gupta, D/o Ramprit Sah @
Sutai Sah R/o and P.O.- Parol Parsoni, P.S.- Areadh, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2020 The Court proceeding has been conducted through

virtual mode.

Since the physical court proceeding is non-
functional due to the present pandemic COVID-19, the
matter is listed with defects.

Learned counsel for the petitioner is expected to
remove the defects within three weeks of the resumption of
the physical Court proceedings.

In case of non-removal of the defects within the
undertaken period, the office shall place the matter before
the bench.



None appears on behalf of the petitioner.
However, learned A.P.P. for the State is present.

The petitioner, being husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code, 1860 and Section 3 /4 of the Dowry Prohibition Act.

The prosecution case as per the complaint filed by Megha Devi is to the effect that complainant was married with the petitioner on 29.01.2019 but subsequent to the marriage, further dowry demand of Rs. 2,00,000/- and a gold chain was made and for non-fulfillment of the same, torture was inflicted upon the complainant at the hands of the petitioner and other co-accused persons. The accused also tried to put the complainant on fire and ultimately she was ousted from the matrimonial house.

From the pleadings in the petition, it appears that petitioner is ready to keep the complainant with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as under:-



“That the petitioner is ready to keep with full dignity.”

Further statement has been made in para 8 of the petition that petitioner has filed Matrimonial Case No. 127 of 2019 for restitution of conjugal right which is pending before the learned Principal Judge, Family Court, Madhubani.

Considering the present stand of the petitioner as quoted above, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Complaint Case No. 584 of 2019.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety



to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within six months in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Complaint Case No. 584 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next six months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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