

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60740 of 2019

Arising Out of PS. Case No.-291 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Rajeew Gupta @ Pintoo Gupta @ Rajiv Gupta @ Pintu Gupta Son of Satya Narayan Sah Resident of Village - Indrapuri, Raja Bazar near State Bank of India, Indrapuri, P.S.- Indrapuri, Distt - Rohtas at present resident of Village - Baknaura, Post - Baknaura, P.S.- and Distt - Rohtas.

... .. Petitioner

Versus

1. The State Of Bihar
2. Asha Devi Wife of Rajeew Gupta @ Pintoo Gupta @ Rajiv Gupta @ Pintu Gupta, D/o Krishna Sah Resident of Village - Indrapuri, P.S.- Indrapuri, Distt - Rohtas at present resident of Village - Baknaura, Post - Baknaura, P.S.- and Distt - Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Choubey, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap APP

For the informant : Mr. Deovind Kumar Singh Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 12-06-2020 The matter has been listed today for consideration through Video Conferencing.

Heard learned counsel for the petitioner, learned counsel for the Opposite party no.2 and the learned APP for State.

Petitioner apprehend his arrest in connection with **Complaint Case No. 291 of 2018** instituted for the offence



under Section 498(A) of the IPC.

Petitioner's counsel submits that he is taking a *bonafide* stand with respect to the children which were born out of the wedlock, without prejudice in any manner admitting to the allegations made by the informant. In order to establish his *bonafide* he would be depositing an amount of Rs. five lacs in two equal installments within a period of three months which would be utilized for the welfare and treatment of his children.

On such submissions, the counsel for the opposite party no.2 submits that she would be at liberty to pursue her remedies for maintenance or any other civil remedies in accordance with law.

Considering the rival submission, this Court, merely for the purpose of grant of anticipatory bail, is inclined to accept the offer given by the petitioner's counsel. The first installment of Rs. 2,50,000/- (Two Lakhs Fifty Thousand) be deposited by the petitioner by way of demand draft drawn in favour of the opposite party no.2 in the Court below on the next date fixed in the Court of Sub Divisional Judicial Magistrate, Dehri on Sone, Rohtas in Complaint case no. 291 of 2018. The next installment of 2,50,000/- (Two Lakhs Fifty Thousand) would be deposited by the petitioner in the same manner within three months, as per



the offer given by the petitioner's counsel. To facilitate deposit of first installment, till the next date fixed in the Court below, the petitioner shall not be arrested. The petitioner would have four weeks time for surrender in the Court below after deposit of the first installment on the next date fixed in the Court below, and in that event, he shall be released on provisional bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the **Sub Divisional Judicial Magistrate, Dehri-on-sone, District -Rohtas**, in connection with **Complaint Case No. 291 of 2018**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is made clear that provisional bail of the petitioner will be confirmed by the Court below after making full installments



to the opposite party No.2 as per terms and conditions
mentioned above.

(Madhuresh Prasad, J)

Shyambihari/-

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