

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.66460 of 2019**

Arising Out of PS. Case No.-328 Year-2018 Thana- PATNA COMPLAINT CASE District-  
Patna

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DHARMENDRA KUMAR GUPTA @ SHAILENDRA KUMAR Son of  
Mishri Lal Sahu Resident of Village - Sirnawan, P.S.- Chandi, Distt.-  
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi, W/o Dharmendra Kumar Gupta @ Shailednra Kumar , D/o  
Ramanand Saw Resident of Village - Sirnawan, P.S.- Chandi, Distt.-  
Nalanda, And Presently Vill- Champapur, P.S.- Bakhtiyarpur, Distt.- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rudal Prasad, Adv.

For the Opposite Party/s : Mr. Pancha Nand Pandit, Adv.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

4      17-06-2020                      Heard learned counsel for the petitioner and learned  
APP for the State.

The matter has been taken up through virtual Court  
proceeding.

The petitioner, being the husband of the complainant  
is languishing in custody since 31.07.2019 in a complaint case



wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the I.P.C.

The prosecution case as per the complaint filed by Mamta Devi is to the effect that she was married with the petitioner in the year 2003. Thereafter the married couple was blessed with two children, but subsequently, the torture was inflicted for non-fulfillment of further dowry demand of Rupees Five Lacs.

It appears that initially the petitioner was granted provisional bail by a Co-ordinate bench of this Court vide order dated 24.10.2019, whereby notices also were issued to the complainant. Thereafter, on appearance of the complainant, vide order dated 31.01.2020, on joint prayer of the parties, the matter was referred to the Mediation Centre of Patna High Court. However, it is submitted that due to present pandemic, Covid-19, the mediation could not be conducted.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children. The complainant is still residing in the house of the petitioner. A statement to that effect has been made in paragraph no.9 of the petition, which reads as under :-

“That the complainant is still residing in the house of her



husband at Silav with him.”

It is further submitted that the investigation has already been concluded and there is no likelihood of trial being concluded in near future since the court proceeding is not functional in physical mode due to present pandemic, Covid -19. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that due to the present pandemic, Covid-19, the mediation could not be conducted. Moreover, there is nothing on record to suggest that the complainant has denied this fact that she is residing in the house of the petitioner.

Considering the fact that the petitioner after remaining for a considerable period under custody since 31.07.2019 was granted provisional bail vide order dated 24.10.2019 and the fact that the petitioner is still ready to keep the complainant as wife with full dignity and honour and this fact has not been controverted by learned counsel for the complainant that she is residing in the house of the petitioner, the provisional bail granted to the petitioner vide order dated 24.10.2019, in connection with Complaint Case No. 328C of 2018, pending before the learned Judicial Magistrate, 1<sup>st</sup> Class, Barh is hereby



confirmed.

Accordingly, the present application stands disposed  
of.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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