

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9177 of 2021

Arising Out of PS. Case No.-4037 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJESH KUMAR GUPTA @ RAJESH PRASAD @ RATAN Son of Late Hemant Kumar Gupta Resident of at present Sardul Auto Works Pvt. Ltd., P.S.-Mango, District-Jamshedpur (East Singhbhum), Jharkhand, Pin Code No.-831012 and previous C/o Shree D.D. Sharma, House No.-246, Sindhu Road, 10 No., Basti, Sidhgora, Post-Agrico, P.S.-Sidhgora, District-East Singhbhum (Jamshedpur), Jharkhand.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ratan Priya Daughter of Man Mohan Kumar Johri, W/o Rajesh Kumar Gupta @ Rajesh Prasad @ Ratan Resident of Sidhgora, Tata Nagar, Jamshedpur, Jharkhand and at present residing at Mohalla-Naya Tola, P.S.-Kadamkuan, District-Patna, PIN Code-800004.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Verma
For the Opposite Party/s	:	Mr. Avanish Kumar Singh
For the State	:	Mr. H.A. Khan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-06-2021 Heard learned counsel for the petitioner, learned counsel for the Opposite Party No. 2 and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Complaint Case No. 4037 of 2015 registered for the offence punishable under Sections 489 (A) and 406 of the Indian Penal Code and Section 4 of D.P. Act.

Allegation against the petitioner is that he in association with



his family members threatened and tortured the complainant for dowry demand and forcibly ousted the complainant from her matrimonial house.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case. He submits that a GOLAT marriage was solemnized of the petitioner and complainant at District East Singhbhum (Jamshedpur), Jharkhand meaning thereby petitioner and his twin brother and complainant and her younger sister was solemnized at once and one the same time, same date, same place, same house and same family i.e. on 29.01.2015 and petitioner and his twin brother are still alone because their parents have died much earlier. He submits that complainant's younger sister named Chitra Priya has also filed same nature of case against the petitioner and his family members as Sidhgora P.S. Case No. 154 of 2015 for the offences under Section 498 (A), 323, 341/34 of the IPC. He submits that petitioner is ready to keep the complainant with full dignity and honour. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in Para 3 of the bail application and has been languishing in custody since 24.08.2020.

Learned APP for the State and learned counsel for the Opposite Party No. 2 vehemently opposing the bail petition submitted that the petitioner in association with his family members assaulted and tortured her on several occasion and petitioner also



tried to kill her by wrapping *duppata* over her neck. He further submitted that the complainant now resides in her *Naihar* since 9.09.2015, hence, the petitioner does not deserve bail.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Complaint Case No. 4037 of 2015 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required



and in the case of failure, the State shall be at liberty to move for
cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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