

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10200 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- MAHILA P.S. District- Banka

=====

Goutam Gupta @ Goutam Kumar Das Son of Kapildev Das @ Kapildev Gupta @ Kapil Gupta Resident of Village - Baunsi, P.S.- Baunsi, Distt.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi W/o Goutam Gupta @ Goutam Kumar Das , D/o Narayan Prasad Gupta Resident of Village - Chhoti Bharat Shila, P.s.- Shambhuganj, Distt.- Banka.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda
For the Opposite Party/s : Mr. Ramesh Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Banka
(Mahila) P.S. Case No. 39 of 2021 registered for the offence
under Sections 498 (A) and 34 of the Indian Penal Code and



Section 3/4 of the Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in custody since 26.11.2021.

The allegation against the petitioner, who is the husband of the informant, is to commit cruelty by raising the demand of dowry and finally ousted the informant/wife from matrimonial home.

Learned counsel appearing on behalf of the petitioner submitted that despite all the best efforts to settle the issue, petitioner failed to arrive over any settlement with the informant. It has further been submitted that the petitioner is willing to keep the informant in her matrimonial home with all love and dignity. This submission is supported by the averments as set out in paragraph no.9 of the bail petition, which is duly supported by affidavit.

Learned APP appearing on behalf of the State fairly requested that some conditions be imposed which either may help to conciliate the matter between the parties or to save the informant/wife from facing destitution.

Considering the facts and circumstances as mentioned above, as petitioner is willing to keep the informant/wife alongwith him and further considering the period of custody, let



the petitioner, above named, is directed to be released on bail in connection with Banka (Mahila) P.S. Case No. 39 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka, subject to the following conditions:

“(i) The Trial Court, on appearance of petitioner, ensures the presence of informant to conciliate the matter and if the parties failed to settle their differences, in that event, petitioner shall pay Rs.5,000/- (Rupees Five Thousand) per month to the informant/wife, to be paid in her bank account positively on or before seventh (7th) day of every English calendar month till the final order of maintenance under Section 125 of Cr.P.C., passed by Family Court of competent jurisdiction.

(ii) If the petitioner failed to pay the maintenance amount of Rs. 5,000/- (Rupees Five Thousand) as mentioned above, for more than two consecutive



months starting from the month of June,
2022, the Trial Court shall be at liberty to
cancel the bail bond of the petitioner.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

