

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58836 of 2021

Arising Out of PS. Case No.-378 Year-2019 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. ASHOK KUMAR GUPTA Son of Motilal Gupta Resident of Village- Sarsi, P.S.- Sarsi, District- Purnea.
 2. Alita Devi W/o Ashok Kumar Gupta Resident of Village- Sarsi, P.S.- Sarsi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Gupta D/o- Pawan Kumar Gupta, Wife of Dipak Kumar Gupta Resident of Village and P.O.- Sarsi, P.S.- Sarsi, District- Purnea and I.C.I.C. Bank Gurgaon Sector 26, Hariyana at Present resident of Purab Bazar Rice Mill Ward No.-19, Saharsa, P.S.- and District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amarnath Jha, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Singh, APP
For the Complainant	:	Mr.Nityanand Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioners, learned counsel for the complainant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 379, 406, 498(A) and 504 of the Indian Penal Code wherein cognizance has been taken under Sections 323 and 498(A) of the I.P.C. read with Sections 3 and 4 of the Dowry Prohibition Act

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the



complainant alleges that she was married to Deepak on 12.05.2017 and articles worth Rs. 9 lacs were given to him and in-laws of the complainant by way of gift. After few days of marriage, the husband and the in-laws started demanding Rs. 3 lacs and a four wheeler and thereafter the demand increased to Rs. 10 lacs and on non-fulfillment of the same, she was tortured and finally was ousted from her matrimonial home for non-fulfillment of the dowry demand.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, allegations are general and omnibus in nature and the thrust of the allegation is against the husband who has already filed an anticipatory bail application being Cr. Misc. No.27755 of 2022 and the same is pending consideration. Learned counsel further submits that petitioner no.1 is a senior citizen aged about 62 years, it is further submitted that the dispute is matrimonial and it is between the complainant and the husband and the family members often become victim of the circumstances.

Learned A.P.P. for the State and the learned counsel for the complainant oppose the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 378C/2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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