

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35017 of 2023

Arising Out of PS. Case No.-429 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Kumar Gaurav, Son of Madan Chand Gupta, Resident of Village- Ward No. 9,
Purani Hat, Gandhi Chowk, Raniganj Barbanna, PS- Raniganj, District-
Arariya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari, Wife of Kumar Gaurav, Resident of Ward No. 9, Purani Hat,
Gandhi Chouk, Raniganj Barbona, PS- Raniganj, District- Arariya, presently
resides at Neha Kumari, D.O.- Raghunath Prasad Gupts, Village- Raghapur,
New by-Pass, Bakhtiyarpur, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Ashok Kr. Kashyap, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in
connection with Complaint Case No. 429(C) of 2022, registered
for the alleged offences under Sections 498(A) of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, petitioner is the husband
of the complainant and allegation is that of demanding Rs.
4,00,000/- and assaulting and driving out the complainant from
her matrimonial home.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No specific allegation of any overt act has been attributed against the petitioner. Being the husband of the complainant, the petitioner is ready to keep her wife with full honor and dignity. The mother of the petitioner filed a complaint with Mahila Helpline for bringing back the complainant but she did not appear before the helpline. Thereafter, petitioner even sent a notice to the complainant to come and live with him but she did not come back and chose to file the present case. The petitioner is in custody since 21.02.2023 and charge-sheet has been submitted.

5. Learned A.P.P. as well as learned counsel appearing on behalf of the informant/complainant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner is having illicit relationship with his sister-in-law and he has also solemnized second marriage. So there is no question of complainant returning back to her matrimonial home.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of dispute which appears to be matrimonial discord and



also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Barh, Patna/ court concerned, in connection with Complaint Case No. 429(C) of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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