

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37132 of 2023**

Arising Out of PS. Case No.-526 Year-2019 Thana- ROHTAS COMPLAINT CASE District-  
Rohtas

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OM PRAKASH GUPTA SON OF SRI AJIT SAW VILLAGE HARPUR  
THORA, PS- ITARHI, DISTRICT- BUXAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. DURGA DEVI WIFE OF SRI OM PRAKASH GUPTA RESIDENT OF VILLAGE-HARPUR THORA, PS- ITARHI, DISTRICT- BUXAR, AT PRESENT DAUGHTER OF SRI DWARIKA PRASAD, RESIDENT OF VILLAGE- DHARUPUR, POST- DHARUPUR, PS- BIKRAMGANJ, DISTRICT- ROHTAS

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No 13, Adv.  
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      18-07-2023                      Heard learned counsel for the for the petitioner and  
learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A)/34 of the Indian Penal Code.

3. Petitioner, who is husband of complainant, is said to have tortured upon her physically and mentally and ousted her from the matrimonial home in association of his family members over the dowry demand.

4. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no



offence. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. He is still ready to keep her with full honour and dignity. The petitioner has relied upon the judgment of this Court in the case of **Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar**, reported in **2006 (3) PLJR 182**.

5. In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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/successor Court in connection with Complaint Case No. 526 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs. 3,000.00 (Rupees Three Thousand) per month to the complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.



7. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

8. Learned Court below is directed to issue notice to complainant for furnishing her bank account details. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the complainant after she furnishes her bank account details.

9. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

10. With the aforesaid observation and direction, this application stands disposed of.

**(Anjani Kumar Sharan, J)**

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