

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39997 of 2022

Arising Out of PS. Case No.-214 Year-2006 Thana- BUXAR COMPLAINT CASE District-
Buxar

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RAMJI GUPTA @ RAMJEE GUPTA Son of Late Jagdish Sah Resident of
Village- Murar, Police Station- Murar, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmadeo Prasad Son of Late Rangila Prasad Resident of Village-
Dullahpur, Police Station- Simari, District - Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate Mr. Pranav Kumar, Advocate Mrs. Anjana Gupta, Advocate Mrs. Priyanka Kumari, Advocate
For the Opposite Party/s :		Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Complaint Case No. 214(C) of
2006, registered for the offences punishable under
Section 498-A of the Indian Penal Code.

At the outset, it may be pointed out that
this Court by an order dated 15.11.2022, had
referred the matter for mediation before the
Mediation and Conciliation Centre, Patna High
Court, Patna and provisional bail was granted to



the petitioner for appearing before the Mediator, Mediation and Conciliation Centre, Patna High Court, Patna, so that the matrimonial dispute in question can be settled amicably, however, this Court finds that the Mediator had submitted a report dated 04.01.2023, wherein it has been mentioned that despite best and sincere efforts made by the Mediator, mediation could not succeed and the same has failed.

The case of the prosecution, in brief, according to the complainant, is that he had solemnized the marriage of his daughter Rima Kumari with the petitioner on 03.05.1997, according to Hindu rites and customs and subsequently her daughter had gone to her matrimonial home. It is also alleged that subsequently the petitioner and his family members started harassing and torturing the daughter of the complainant on account of non-fulfillment of the demand for motorcycle and cash amount. It is also alleged that the accused persons had finally ousted the daughter of the complainant



from the matrimonial home after snatching her belongings, whereafter she is staying with the complainant at his house.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 31.03.2022. It is submitted that the petitioner is ever ready to keep his wife with due honour and dignity but she is not ready to live with him.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that not only the mediation has failed but the petitioner has also committed a fraud upon this Court inasmuch as the petitioner had earlier filed a petition before this Court for grant of anticipatory bail bearing Criminal Miscellaneous No. 10499 of 2007, however, the said petition was rejected by a Co-ordinate Bench of this Court vide order dated 30.07.2007, with a direction to the petitioner to surrender and seek



regular bail. Nonetheless, the petitioner kept on absconding and was arrested only after 15 years and was then produced before the learned trial court on 31.03.2022. It is also submitted that the petitioner has acted in a brazen manner inasmuch he has not only abandoned his wife but also his daughter, hence does not deserve any sympathy by this Hon'ble Court.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also having perused the impugned order dated 10.05.2022, this Court finds that not only the petitioner is *prima facie* having complicity in the matter but he also does not have any respect or regard for the process of law inasmuch as he had been absconding for the last 15 years without having subjected himself to the process of law, despite a Co-ordinate Bench of this Court having directed him to surrender before the learned court below and seek regular bail as far



back as on 30.07.2007, nonetheless, he could only be arrested and produced before the learned trial court on 31.03.2022, apart from the fact that the mediation has also failed.

Under such circumstances, I am not inclined to grant bail to the petitioner, hence the present petition stands dismissed. Consequently, the provisional bail granted to the petitioner vide order dated 15.11.2022 also stands cancelled and the petitioner is directed to surrender before the learned court below within a period of four weeks from today, failing which the Director General of Police, Bihar, Patna shall ensure that the petitioner is arrested and produced before the learned court below.

Let a copy of this order be forwarded to the Director General of Police, Bihar, Patna for needful compliance.

(Mohit Kumar Shah, J)

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