

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40611 of 2022

Arising Out of PS. Case No.-62 Year-2019 Thana- MAHILA PS District- Jamui

SHYAM LAL GUPTA @ SHYAM KUMAR SON OF LATE
SHIVNANDAN PRASAD R/O VILLAGE- LALPUR (WEST TOLA), P.S.-
KAWAKOLE, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 498(A), 379, 34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner, who is husband of opposite party no2., is said
to have tortured the O.P. No.2 and ousted her from the
matrimonial home in association of his family members over the
dowry demand.

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. There is general and omnibus allegation against the petitioner and he is ready and willing to keep his wife 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***.

Learned counsel for the petitioner further submitted that petitioner is ready to make payment of Rs.3,000/- (Rupees Three Thousand) in first week of every succeeding month in the bank account of informant/opposite party no.2 for her maintenance as per the details furnished by her before the learned court below.

Learned court below is directed to issue notice to O.P. No.2 for furnishing her bank 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 informant/complainant after she furnishes her bank account details.

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.20,000/- (Rupees Twenty



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 Jamui Mahila P.S. Case No.62/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

It is made clear that if the petitioner fails to pay the aforesaid amount in two consecutive months, opposite party no.2 shall be at liberty to move before the learned Court below for cancellation of the bail bond of the petitioner.

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

(Anjani Kumar Sharan, J)

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