

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42533 of 2023

Arising Out of PS. Case No.-1314 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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GULAB PRASAD GUPTA son of Late Asharfi Sah Village- Ward No-10,
Purani Bazar Ps- Madhepura Dist- madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Archana wife of Gulab Prasad Gupta, D/o- Bam Shankar Lal Vilage-
Ashram Road, kali Mandir Bhatta Bazar Ps- K. Hat Dist- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate
For the State : Mr. Nitya Nand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-09-2023 Despite valid service of notice, nobody appears on
behalf of the opposite party No. 2.

2. Heard learned counsel for the petitioner and the
State.

3. The petitioner apprehends arrest in a case registered
for the offences punishable under Section 498(A) of the Indian
Penal Code and Section 4 of the Dowry Prohibition Act.

4. As per prosecution case, all the named accused
persons including this petitioner tortured and harassed the
complainant for non-fulfillment of demand of dowry.

5. It is submitted on behalf of petitioner that petitioner
happens to be husband of the complainant and present case has



been lodged due to petty family dispute. Petitioner has never tortured the complainant for demand of dowry and he has falsely been implicated in this case. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a 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**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Considering the aforesaid facts and circumstances, this anticipatory bail is allowed and it is ordered that let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Purnea in connection with Complaint Case No. 1314 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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