

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46763 of 2023

Arising Out of PS. Case No.-107 Year-2021 Thana- MAHILA P.S. District- Patna

RAJESH KUMAR @ RAJESH GUPTA SON OF RAJ KUMAR GUPTA
RESIDENT OF VILLAGE- AMARHRUAA (AHAMRUAA), PS- CHARVI,
DISTT- BHOJPUR (ARA), AT PRESENT RESIDENT OF H. NO. 350 GALI
NO. 10, AMBEDKAR NAGAR, GIASPURA, LUDHIANA , PUNJAB

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

- 3 06-09-2023 1. Heard learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 107 of 2021 registered under Sections 341, 323, 498(A)/34 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.
3. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case with ulterior motive. Prior to filing of this case, petitioner had already filed a Matrimonial Case No. 42 of 2019 (Annexure-2) for restitution of conjugal rights in which notice was also issued but the informant did not appear. The informant refused to live with the petitioner.



Thereafter, a divorce case (Annexure-3) was also filed before the Family Court. From perusal of Annexure-4, it appears that the petitioner is regularly making payment as *interim maintenance* to the informant. Further he submits that petitioner is ready to keep the informant and children with due dignity and honour but the informant has refused to live with the petitioner, as is evident from Annexure-5 to the bail application.

4. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of Judicial Magistrate, 1st Class, Patna in connection with Mahila P.S. Case No. 107 of 2021, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Arvind Srivastava, J)

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