

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59635 of 2023

Arising Out of PS. Case No.-545 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. AJAY GUPTA S/o- BABU LAL GUPTA Village- Mainpur P.O- Rampurkala P.S- Baburi Dist- Chandauli U.P
 2. Anand Gupta son of Babu Lal Gupta Village- Mainpur P.O- Rampurkala P.S- Baburi Dist- Chandauli U.P
 3. Babu Lal Gupta son of Aditya Gupta Village- Mainpur Po- Rampurkala P.S- Baburi Dist- Chandauli U.P
 4. Sony Devi wife of Anand Gupta Village- Mainpur P.O- Rampurkala P.S- Baburi Dist- Chandauli U.P

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Devi wife of Ajay Gupta, D/o- Lal Bahadur Sah R/V- Siayapokhar P.O- Bam Hour Khas P.S- Mohania Dist- Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha, Advocate.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP.
For O.P. No.2	:	Mr. Jay Prakash Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-12-2023 Heard Mr. Chandra Mohan Jha, learned counsel appearing on behalf of the petitioners; Mr. Ajit Kumar, learned APP for the State and Mr. Jay Prakash Singh, learned counsel for the opposite party no.2.

2. The petitioners seek pre-arrest bail in connection with Complaint Case No. 545 of 2020 registered for the offence punishable under Sections 498A, 324, 354 and 504 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.



3. The complaint case has been lodged by the opposite party no.2 alleging therein that the petitioners have assaulted her for non-fulfillment of demand of dowry.

4. Parties have jointly submitted that they will go for amicable settlement, however, the petitioner no.1 has informed that he is ready to live along with his wife i.e. opposite party no.2 and will provide her all physical and financial requirement as and when she desires so and will support her in leading a dignified life. Petitioner no.1 admits that he has two children who have taken birth out of cohabitation and for providing them proper education and nutrition, the Court can not decline from its responsibility of being *parens patriae* and therefore directs the petitioner that he should not decline to provide his children good education and life.

5. The petitioners, above named, are directed to be released on pre-arrest bail provisionally for one year, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Mohania, Kaimur in connection with Complaint Case No. 545 of 2020, subject to the condition as laid down under Section 438(2) of



the Cr.P.C.

6. The above order will be subject to making payment of Rs.5000/- per month to the opposite party no.2 for providing good education and ensuring good life to the children. The petitioners are also required to file their affidavit to the above effect, in case of failure, the bail bond shall be cancelled.

7. The parties may enter into any settlement within a period of one year, either they go for one time settlement or they may agree to live together and in case of failure of the two options, they may agree to take recourse of remedy before the Family Court. For the said purpose, this Court finds it proper to provide one year time for negotiation and reconciliation. If they file affidavit to that extent, then in that case, provisional bail granted to the petitioners shall be made absolute after a year.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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