

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73996 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Vivek Kumar Gupta S/O Binod Kumar Gupta R/O Shree Shyam Store, Main
Road, Gandhi Chowk, Opposite Bata, P.S- Town Thana, District- East
Champaran (Motihari)- 845401

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deepa Jaiswal W/O Vivek Kumar Gupta, D/O Ranjeet Kumar Jaiswal R/O
Near Agha Hussain Ka Chauraha, Patna City, Chowk, Begumpur, P.S-
Chowk Patna City, District- Patna- 800009

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-03-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A,
323, 504, 506, 379, 420 of the Indian Penal Code.

Petitioner, who is husband of opposite party no2., is
said to have ousted the opposite party no.2 from her 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. He is still ready to keep her 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**.

However, the petitioner is ready to give Rs.10,000.00 (Rupees Ten Thousand) per month as maintenance to opposite party no.2 in first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding. If the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, his bail bond shall automatically be cancelled.

Learned counsel for the opposite party no. 2, under instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned court below.

In that view of the matter, let the above named petitioner, be released on anticipatory 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.25,000/- (Rupees Twenty Five 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 Complaint Case No. 332 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

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