

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5361 of 2023

Arising Out of PS. Case No.-822 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Jitendra Gupta S/o Bishwanath Sah @ Vishwanath R/o Vill. - Agrawa
Bhuliya, P.S.- Tarya Sujana, Distt- Kushinagar (U.P.).

... .. Petitioner

Versus

1. The State of Bihar
2. Sony Devi W/o Jitendra Gupta, D/o Yogendra Sah R/o Village- Gopalpur,
Mahuawan, P.S.- Kateya, Distt- Gopalganj.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Md. Mushtaque Alam, APP
For the OP No. 2	:	Mr. Dharamveer, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner, learned
counsel for O.P. No. 2 and learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Complaint case No.- 822 of 2021
registered for the offences punishable under Section 498 (A) of
the Indian Penal Code. He has got no criminal antecedent.

Learned counsel for the petitioner submits that the
allegation is that the petitioner and his family members tortured
the informant for non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. It is submitted that the petitioner is ready to keep his wife
in her matrimonial home with full dignity and care.



Learned counsel for O.P. No. 2 submits that she will go back to her matrimonial home and will live with her husband.

Having regard to the facts and circumstances of the case, nature of dispute and the willingness shown by both the parties to live together, this Court directs that the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be **provisionally released on bail for a period of six months from today** in connection with Complaint Case No. 822 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

During this period, the petitioner will take back his



wife (O.P. No. 2) with her daughter to his matrimonial home and shall keep her with full dignity and care. After being satisfied with his conduct, after a period of six months, the learned court below shall confirm the bail of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner will go to the place of the O.P. No. 2 to take her back with her daughter but in case the O.P. No. 2 does not turn up, in such circumstance, it should be left open to the petitioner to approach learned court below with appropriate information.

This Court observes that in such circumstance, he will bring this to the notice of the concerned jurisdictional Magistrate who will inquire into the matter through the Jurisdictional Police Station and in case the information of the petitioner is correct, no adverse view shall be taken against his conduct.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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