

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79795 of 2023

Arising Out of PS. Case No.-526 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Om Prakash Gupta Son Of Ajit Saw Resident Of Village - Harpur Thora, P.S.
- Itarhi, District - Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Durga Devi Wife Of Om Prakash Gupta Resident Of Village - Harpur Thora,
P.S. - Itarhi, District - Buxar, At Present Daughter Of Sri Dwarika Prasad,
Resident Of Village And P.O. - Dharupur, P.S. - Bikramganj, District -
Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay
For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 498(A) and
34 of the Indian Penal Code.

3. Allegation against the petitioner along with his
family members is that they tortured the complainant(victim)
due to non fulfillment of demand of Rs. 1 lakh along with one
bullet motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The



petitioner is the husband of the complainant due to which he has falsely been implicated in this case. He has neither demanded d dowry nor he assaulted the complainant. From para-2 of this petition, earlier the petitioner has granted anticipatory bail by another co-ordinate Bench of this Court vide order dated 18.07.2023 in Cr. Misc. No. 37132 of 2023 on the condition that the petitioner will pay Rs. 3,000/- per month to the complainant as maintenance which he did not do so and in respect of this it is submitted from para-17 of this petition that he is a labourer in rural area where no work is available daily and due to the ongoing case he cannot go out of state of his livelihood and he has no earning source to give maintenance of Rs. 3,000/- to complainant as directed by this Hon'ble Court in which he was granted anticipatory bail. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 11.09.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the



petitioner on bail. The above named petitioner is directed to be released on bail in connection with Complaint Case No. 526 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas.

(Sunil Kumar Panwar, J)

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