

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17002 of 2024

Arising Out of PS. Case No.-2167 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Chaitanya Kumar @ Kapur @ Chaitanya Kumar (Kapuri) Son Of Ashok Gupta @ Ashk Kumar Gupta Resident Of Village- Bari Durgasthan, Ward No. 20, P.S.- Town, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupa Kumari Wife Of Chaitanya Kumar @ Kapur @ Chaitanya Kumar (KAPURI) Resident Of Village- Bari Durgasthan, Ward No. 20ps- Town, Dist- Saharsa At Present D/O- Shiv Shankar Prasad Gupta, Village- Maniyarpur, Po And Ps- Warisnagar, Dist- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The instant application for grant of regular bail has been filed by the petitioner in connection with Complaint Case No. 2167 of 2019 instituted for the offence under Sections 498(A) and 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is that due to non-fulfillment of dowry demand of Rs. 20 lacs, petitioner along with other started to assault and torture the complainant mentally and physically.



4. Learned counsel on behalf of the petitioner submitted that petitioner is innocent and he has committed no offence. Only because, he is the husband of the complainant, he has falsely been implicated in this case. It is further submitted that petitioner is ready to keep his wife with dignity and honour. 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 24.08.2023.

5. Learned counsel on behalf of the complainant prayed for some maintenance for survival of the complainant as she is housewife and she is not able to maintain herself.

6. In alternative, learned counsel appearing on behalf of the petitioner, on instructions, submits that petitioner is ready to give Rs. 7,000/- per month from this month, subject to furnishing bank account number by the complainant to the petitioner.

7. In the changed circumstance, learned counsel for the complainant admits that he shall provide bank account number of the complainant to the petitioner within a period of one week from today. On receipt of the bank account number of the complainant, the petitioner shall deposit Rs. 7,000/ (Seven Thousand) in every month commencing from March, 2024 as



interim maintenance in the account furnished by the complainant.

8. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, 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. 2167 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 S.D.J.M., Samastipur.

9. The aforesaid payment will be subject to any order passed in the maintenance case for final settlement.

(Sunil Kumar Panwar, J)

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