

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16637 of 2024

Arising Out of PS. Case No.-5 Year-2022 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Rajat Kr Gupta @ Rajat Kumar Son of Om Prakash Gupta Resident of House
No.45, Bharti Chouk Kusla, P.S.-Kharora, Distt.- Raipur, State- Chhattisgarh.
At present Arya Samaj Road, Bihta, P.O. and P.S.-Bihta, Distt.-Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Punam Gupta D/O Kapildeo Prasad Gupta Resident of vill.-Bel Road,
Obra, P.S.-Obra, Distt.-Aurangabad, Bihar
3. Gulshan Kumar Gupta and Company, Tilda Road, Kharora, Raipur,
Chattisgarh Chattishgarh

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Debanjan Chowdhary, Advocate
For the Opposite Party/s :	Mr. Mithlesh Kumar Khare, APP
	Mr. Mrigendra Kumar, Advocate
	Ms. Ananya Shivani , Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 19-08-2024 Heard learned counsel for the petitioner, learned APP

for the State, and the learned counsel appearing on behalf of the

O.P. No.2 and the O.P. No.3.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 498A of the IPC and Section 4 of the Dowry
Prohibition Act in connection with Complaint Case No.05 of
2022.

3. The learned counsel appearing on behalf of the O.P.
No.3, Ms. Ananya Shivani submits that petitioner works in the



company of O.P. No.2 which a registered company and draws a salary of Rs.8000/-.

4. The learned counsel appearing on behalf of the O.P. No.2 at this stage submits that petitioner has already taken divorce from O.P. No.2, but then the order of divorce is ex parte and has been passed by the learned Principal Judge, Family Court, Raipur, Chhattisgarh, it is next submitted that one can well imagine the plight of the O.P. No.2 who has to fend for her two children and in absence of financial support she is not in a position to fend for the children. It is also submitted that O.P. No.2 shall challenge the order of divorce which has been obtained by the petitioner ex parte.

5. At this stage the learned counsel appearing on behalf of the petitioner submits that the learned Principal Judge, Family Court, Raipur, Chhattisgarh must have passed the order of divorce ex parte after the notices on O.P. No.2 would have been duly served, but then submits that petitioner is aware of his responsibility towards his children and as such petitioner is willing to pay a monthly maintenance of Rs.4000/- to the O.P. No.2 towards the maintenance of the children which shall commence from 02.09.2024.

6. The learned counsel appearing on behalf of the O.P.



No.2 submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs.4000/-.

7. It is also submitted that the bank account number of the O.P. No.2 shall be whatsapped on the whatsapp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner, so that the monthly maintenance as agreed commences from 02.09.2024.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad in connection with Complaint Case No.05 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. However, it is made clear that O.P. No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if petitioner does not deposit the monthly maintenance as agreed



for two consecutive months.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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