

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20217 of 2024

Arising Out of PS. Case No.-695 Year-2023 Thana- NAGAR District- Vaishali

Ved Prakash Gupta S/o Bhagwan Das Gupta R/o Vill - Resident of Station
Mal Godam Road, Ballia, P.S. - Kotwali, Dist.- Ballia, State - U.P.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrinalni Gupta W/o Ved Prakash Gupta, D/o Ashok Kumar R/o Mohalla -
Mahajan Toli, P.S. - Hajipur Town, Dist. - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, A.P.P.
For the O.P. No. 2	:	Mr. Anil Kumar, Advocate
		Mr. Akash Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 323, 504, 506 and 34 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

3. The dispute is purely matrimonial and the petitioner has filed Matrimonial Case No. 586 of 2023 in the Court of learned Principal Judge, Family Court, Ballia which is pending adjudication. The opposite party no. 2 herein has moved before the Hon'ble Supreme Court for getting the aforesaid matrimonial case transferred to the Court of learned Principal



Judge, Family Court, Vaishali. Before the Hon'ble Supreme Court, a mediation proceeding is going on in between the petitioner and the opposite party no. 2 in the aforesaid divorce case and the next date fixed in the case is 04.04.2024.

4. It has been submitted by the learned counsel appearing on behalf of the opposite party no. 2 that petitioner is not cooperating in the mediation proceeding before the learned Mediator.

5. The said submission of the learned counsel appearing on behalf of the opposite party no. 2 is rebutted by the learned counsel appearing on behalf of the petitioner.

6. It has further been submitted by the learned counsel appearing on behalf of the opposite party no. 2 that opposite party no. 2 has filed Maintenance Case No. 51 of 2024 which is pending adjudication in the Court of learned Principal Judge, Family Court, Vaishali and the next date in the case is 01.04.2024.

7. Learned counsel appearing on behalf of the petitioner submits that he will ensure that the petitioner is informed about the pendency of Maintenance Case No. 51 of 2024 so that he could appear before the learned Principal Judge, Family Court, Vaishali on 01.04.2024.



8. Learned counsel for the petitioner submits that petitioner works as a software engineer as such he could not receive summons issued under Section 41(a) of the Cr.P.C. by the police which was served on his father who is also an accused in the present case. It is further submitted that since the petitioner was not able to appear in pursuance of the summons issued under Section 41(a) of the Cr.P.C. as such non-bailable warrant of arrest has been issued against him. It is next submitted that no useful purpose would be served by sending the petitioner to jail as the dispute is matrimonial and the mediation proceeding in between the petitioner and the opposite party no. 2 is going on at Delhi in the aforesaid divorce case. It is also submitted that if petitioner is sent to jail, the chances of amicable settlement either by way of one time settlement or the parties decide to reside together will become bleak.

9. At this stage, learned counsel for the petitioner submits that he has instruction to make submission on behalf of the petitioner that petitioner is willing to pay monthly maintenance of Rs.10,000/- (rupees ten thousand) to the opposite party no. 2 which shall commence from 08.04.2024 but then submits that the said maintenance shall be subject to the result of Maintenance Case No. 51 of 2024 which is pending



adjudication in the Court of learned Principal Judge, Family Court, Vaishali.

10. Learned counsel appearing on behalf of the opposite party no. 2 also does not oppose the said submission of the learned counsel appearing on behalf of the petitioner with regard to the maintenance.

11. Learned counsel appearing on behalf of the opposite party no. 2 also fairly submits that even opposite party no. 2 is not interested in sending the petitioner to jail but is interested in settlement and it has been rightly submitted by the learned counsel appearing on behalf of the petitioner that if petitioner is sent to jail the chances of amicable settlement will become bleak.

12. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Hajipur Nagar P.S. Case No. 695 of 2023, subject to the conditions as



laid down under Section 438 (2) of the Cr.P.C.

13. It is made clear that the maintenance amount as agreed by the petitioner shall be subject to the result of Maintenance Case No. 51 of 2024.

14. At this stage, learned counsel appearing on behalf of the opposite party no. 2 submits that he will furnish the bank account number of the opposite party no. 2 on the Whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes that he will communicate the same to the petitioner so that the maintenance amount as agreed commences from 08.04.2024.

15. The Court expects that the petitioner will appear in Maintenance Case No. 51 of 2024 on 01.04.2024.

(Satyavrat Verma, J)

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