

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23687 of 2024

Arising Out of PS. Case No.-10 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Manoj Kumar Gupta s/o Gopal Prasad Gupta R/O Village- Shivaji Nagar
Musraf Bazar, P.S- Town Kilaghat, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Devi W/O Manoj Kumar Gupta R/O Village- Shivaji Nagar Musraf Bazar, P.S- Town Kilaghat, Distt.- Darbhanga at present D/O Binod Kumar Sah, R/O Village- Laukahi, P.S- Laukahi, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP
		Mr. Baleshwar Kamat, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-06-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Complaint Case (C.R.) no.10 of 2022 registered for the offence punishable under sections 494, 498A and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the complainant was married to the petitioner herein in the year 2018. It is stated that the accused persons behaved properly with the complainant for a period of two years. In the meantime, a daughter was born out of the said wedlock, but she died. Soon thereafter, it is stated



that the accused persons including the petitioner herein started to torture her physically and mentally, assault the complainant as also abuse her. It is further stated that further demand of dowry by way of a Hero Honda motorcycle was made and she was tortured on non-fulfillment of the same.

4. Learned counsel for the petitioner submits that contrary to the allegations in the complaint, the petitioner happens to be the brother-in-law (devar) of the complainant and not her husband. The allegations levelled in the complaint are false and concocted. The petitioner has no criminal antecedent and co-accused Gopal Prasad Gupta and Sushila Devi, parents of the petitioner herein, have been enlarged on anticipatory bail vide order dated 12.9.2023 passed in Cr. Misc. no.36362 of 2023.

5. The application for bail is opposed by learned A.P.P. for the State. Mr. Baleshwar Kamat, learned counsel is appearing for the complainant however, he does not oppose the application filed by the petitioner.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the complaint, no injury report having been brought on record, the petitioner not having any criminal antecedent and grant of bail to the above



named co-accused, the provisional bail granted to the petitioner in connection with Complaint Case (C.R.) no.10 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Jhanjharpur, Madhubani, is hereby confirmed.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

