

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34468 of 2023

Arising Out of PS. Case No.-887 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

=====

VIVEK KUMAR @ VIVEK GUPTA S/O AWADH KISHOR PRASAD SAH
@ AVDHESH KUMAR R/O Gairabari Sabjee Patti, P.S- Korha, Distt.-
Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Panjiyar W/O Vivek Kumar @ Vivek Gupta, D/O Shashibhushan Panjiyar R/O Gairabari Sabjee Patti, P.S- Korha, Distt.- Katihar At present R/O Village- Subhash Nagar, P.S- K. Hat Sahayak, Distt.- Purnea.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr.Praveen Kumar, Adv.
For the Opposite Party/s :	Mr.Md. Nazir Ansari, APP.
	Mr. Kumar Praveen, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498(A) of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioner are said to have tortured upon the complainant physically and mentally in association of his family members over the dowry demand. They also threatened her to kill her and her son. Petitioner has solemnized his second marriage with one Beauty Kumari.

4. It is submitted by learned counsel for the petitioner



that petitioner is an innocent person and has committed no offence. He is husband of the complainant. He has neither made any dowry demand nor tormented her over the demand of dowry. The allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the petitioner and his family members tried their best to keep the complainant with full honour and dignity, but the complainant herself was not ready to reside at her matrimonial house. It is further submitted that both the parties had filed a petition for divorce bearing Matrimonial Suit No. 8 of 2020 with mutual consent to dissolve their marriage, but later on the complainant denied for the divorce and has filed the present case. She has also filed a maintenance case against him. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as both the parties have filed a petition for divorce bearing Matrimonial Suit No. 8 of 2020 with mutual consent to dissolve their marriage, but later on the complainant denied for the divorce, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court



below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five 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 Complaint P.S. Case No. 887 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

divyanshi/-

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

