

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2264 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SC/ST District- Purnia

ROHIT KUMAR GUPTA S/O LATE BINDA PRASAD GUPTA R/O
MOHALLA BARMASIYA, POWER HOUSE MANIHARI ROAD NEAR
SCONTISH PUBLIC SCHOOL, P.S- SAHAYAK, DISTT.- KATIHAR.

... .. Appellant/s

Versus

1. The State of Bihar
2. BABY KUMARI W/O ROHIT KUMAR GUPTA, D/O DINESH DAS R/O
MOHALLA TATMA TOLI, SUDIN CHAUK, WARD NO. 24, BHATTA
BAZAR PURNEA, P.S- MARANGA, DIST.- PURNEA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mukesh Kumar Jha, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
		Mr. Aayush Abhishek, Advocate
		Mr. Ranjan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-06-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and the learned counsel
appearing on behalf of the respondent no.2.

2. The appellant has challenged the order dated
19.04.2024 passed by the learned Special Judge, SC & ST Act,
Purnea in connection with SC & ST P.S. Case No.09 of 2024,
instituted for the offences under Sections 498(A) of the IPC and
Section 3/4 of the Dowry Prohibition Act and Section 3(i)(r)(s) of
the SC & ST Act, whereby their prayer for grant of anticipatory
bail has been rejected.

3. The learned counsel for the appellant submits that



dispute is matrimonial and the appellant being husband has been falsely implicated in the instant case by the respondent no.2 who is his wife.

4. It is further submitted that respondent no.2 belongs to SC community while petitioner is follows Vaishnavism. It is further submitted that even respondent no.2 and her family members are Vaishnav as such their marriage was arranged, but after marriage differences cropped up in between the appellant and the respondent no.2, which led to filing of divorce case by the appellant in the court of learned Principal Judge, Family Court, Katihar and the same is pending adjudication.

5. It is further submitted that even respondent no.2 has filed a maintenance case which is also pending adjudication in the court of learned Principal Judge, Family Court, Purnea. It is further submitted that since the family of the appellant and the respondent no.2 follows Vaishnavism, as such the marriage was arranged, but after the differences cropped up the respondent no.2 taking advantage of her caste instituted the instant false case. It is also submitted that whether SC/ST Act would be attracted in the nature of facts as recorded herein above.

6. The learned counsel further submits that relationship in between the appellant and the respondent no.2



has soured to an extent where it is not possible to revive the conjugal relationship, but then appellant is willing to maintain the respondent no.2 and is ready to pay a monthly maintenance of Rs.5000/- which shall commence from 08.07.2024.

7. The learned counsel appearing on behalf of the respondent no.2 submits that since appellant is willing to pay a monthly maintenance, as such no useful purpose would be served by sending the appellant to jail.

8. Regard being had to the aforesaid submissions, the order dated 19.04.2024 is set aside.

9. The appeal stands allowed.

10. The appellant 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.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC & ST Act, Purnea in connection with SC & ST P.S. Case No.09 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

11. However, the respondent no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the appellant in the event if appellant does not



deposit the monthly maintenance as agreed for two consecutive months.

12. It is made clear that after the maintenance case is decided thereafter the present maintenance shall stop.

(Satyavrat Verma, J)

Prakash Narayan

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