

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51835 of 2024

Arising Out of PS. Case No.-609 Year-2023 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

Sanjit Kumar Gupta Son of Late Balchand Saw Resident of Vill- Sarawak,
P.S.- Karma, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alkhi Devi Wife of Sanjit Kumar Gupta Resident of Vill- Sarawak, P.S.- Karma, District- Aurangabad. At Present Residing with Parents D/O- Veera Saw, R/O Vill- Jalpura, P.S.- Haspura, District- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Mukul Kumari
For the Opposite Party/s	:	Mr. Rabindra Kumar
For the O.P. No. 2	:	Ms. Nikita Mittal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-08-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State, Mr. Rabindra Kumar and the learned counsel appearing on behalf of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 504, 498(A), 307 and 379 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner, at the outset, submits that petitioner, being husband, has been falsely implicated in the instant case by the O.P. No. 2. It is next submitted that from perusal of the order impugned, it would manifest that an opportunity was given to the petitioner to bring back the O.P. No.



2 to her matrimonial home and he was granted the privilege of provisional anticipatory bail, it is further submitted that petitioner had brought the O.P. No. 2 back to her matrimonial home, but then again dispute started, as such, the anticipatory bail application of the petitioner came to be rejected. It is next submitted that petitioner, being husband, is aware of his responsibility, but then presently the relationship in between the petitioner and the O.P. No. 2 has soured to an extent where it is not possible to revive the conjugal relationship, but with passage of time and on intervention of well wishers, the parties may reconcile their dispute. It is also submitted that petitioner is willing to pay a monthly maintenance of Rs. 3,000/- to the O.P. No. 2.

4. 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 as the petitioner is willing to pay a monthly maintenance of Rs. 3,000/-. The learned counsel appearing on behalf of the O.P. No. 2 concurs with the submission of the learned counsel appearing on behalf of the petitioner that with passage of time and on intervention of well wishers, the parties may reconcile their dispute.

5. Learned counsel appearing on behalf of the O.P. No. 2 submits that she will *Whatsapp* the bank account number of the O.P. No. 2 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 19.08.2024.

6. 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 trial court 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 trial court where the case is pending/successor court in connection with Complaint Case No. 609 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the O.P. No. 2 shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the amount of monthly maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

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