

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52778 of 2023

In
CRIMINAL MISCELLANEOUS No.31316 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- MAHILA P.S. District- Rohtas

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Sonu Kumar Gupta Son Of Rajendra Sah Resident Of Village - Samahuta
Pipra (Madan Rai Ke), P.S. - Kargahar, District - Rohtas

... .. Petitioner/S

Versus

1. The State Of Bihar Patna
2. Nirasha Devi Daughter Of Lakshman Sah Residen T Of Village -
Marojhiyan , P.S. - Nasriganj, District - Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s :	Mr. Kunwar Kumar Sing, Advocate
For the State :	Mr. Jitendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 26-04-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. On 09.01.2023, in Cr. Misc. No. 31316 of 2022
(Sonu Kumar Gupta vs. The State of Bihar), this Court had
passed the following order:-

*Heard learned counsel for the petitioner,
informant and learned APP for the State.*

*The petitioner apprehends his arrest in
connection with Mahila P.S. Case No. 17 of
2021 for the offence registered under
Sections 341, 323, 498(A) and 34 of the*



Indian Penal Code and Section 1/2 of the Dowry Prohibition Act.

As per the prosecution story, informant alleged that she got married to the petitioner in 2014 but was tortured for want of dowry. The further allegation is that earlier a complaint was filed in Mahila Police Station in which after compromise, she was taken to the in-laws house but once again she was assaulted. Left with no remedy, the present FIR was lodged.

Learned counsel for the petitioner submits that he has already preferred case under Section 9 of the Hindu Marriage Act before the concerned Court and is ready to keep his wife with full dignity.

It is his further submission that till any order is passed by the concerned Court, he is ready to pay Rs. 10,000/- per month in the bank account of his wife beginning from January, 2023 which will be merged with any order passed by Matrimonial Court.



Learned counsel for the informant on the other hand, submits that he will be providing the bank account number of the lady to the petitioner.

Taking into account the fair submissions made by the both the learned counsel for the parties and the petitioner do not have any criminal antecedent, this Court is inclined to grant him relief subject to payment of Rs. 10,000/- per month beginning January, 2023 which will be paid by 10th of every month failing which the informant will be eligible to take appropriate steps against the petitioner including the cancellation of the order passed.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1 Class.



*Sasaram in connection with Mahila P.S.
Case No. 17 of 2021 subject to condition as
laid down under Section 438(2) of the
Cr.P.C.*

3. Subsequently, a modification petition came to be
filed with the following prayer:-

*This is an application for modification of the
order dated 09.01.2023 passed by Hon'ble
Mr. Justice Rajiv Roy in Cr. Misc. No. 31316
of 2022 to the extent that the petitioner may
be exonerated from making payment of
Rs.10,000/- per month beginning January,
2023 to the O.P. no.2 in connection with
Mahila P.S. Case No.17/2021, District-
Rohtas on the ground that the O.P. No.2
Nirasha Devi has performed her second
marriage on 13.03.2023 with one Pramod
Sah son of Vishwanath Sah, resident of
Village Gorari, P.S.-Gorari, District-Rohtas.*

4. Learned counsel for the petitioner submits that
the lady has performed marriage on 13.03.2023 with Pramod
Sah and has brought on record the certificate of the Chief



Councilor, Nagar Panchayat, Karakat, Rohtas.

5. Learned counsel for the informant accepts the said fact with allegation that the petitioner himself has married in the year 2020 itself.

6. In view of the fact that both side have move forward further and have tied nuptial knots with different individuals, the learned counsel for the informant having accepted the second marriage, this Court is inclined to modify the order dated 09.01.2023 by which direction was given for payment of Rs. 10,000/-. F.I.R. is there, the petitioner will be facing the trial, in the changed scenario, the payment part can be deleted.

7. Accordingly, the order dated 09.01.2023 stands modified and the petitioner is not required to pay Rs. 10,000/- per month as earlier ordered.

8. Cr. Misc. 52778 of 2023 is disposed of.

(Rajiv Roy, J)

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