

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55322 of 2023**

Arising Out of PS. Case No.-481 Year-2019 Thana- DARBHANGA COMPLAINT CASE  
District- Darbhanga

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ROSHAN KUMAR GUPTA @ SONU @ ROSHAN KUMAR son of  
Ayodhya Prasad Gupta R/o- M/F-2, Kumar Tower Boring Road Chouraha Po-  
GPO Ps- Buddha Colony, Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mushkan Raj wife of Roshan Kumar Gupta Mohalla- Sikalaghat Senat Ps-  
Town Darbhanga, Dist- Darbhanga

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanchay Srivastava  
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

3      14-03-2024                      Heard learned counsel for the petitioner and learned  
  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Complaint Case No. 481 of 2019, dated  
10.04.2019 for the offences punishable under Sections 498A,  
323 read with 34 of the Indian Penal Code and Section 4 of the  
Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and the  
co-accused persons are alleged to have tortured the complainant  
mentally and physically and ousted her from the matrimonial  
home due to non-fulfillment of demand of Rs. 5 Lakh as dowry.



4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. The petitioner is ready to keep the complainant (O.P. No.2) with full dignity and honour. The petitioner has relied upon the judgment of this Court in the case of ***“Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.”*** Learned counsel has further relied on the judgments in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351 and Md. Asfak Alam Vs. The State of Jharkhand & Anr.*** Passed in Criminal Appeal No(s). 2207 of 2023, arising out of Special Leave Petition (CRL.) No. 3433 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the



event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Darbhanga in connection with Complaint Case No. Complaint Case No. 481 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

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

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

Ranjeet/-

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