

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59190 of 2023

Arising Out of PS. Case No.-984 Year-2022 Thana- SASARAM NAGAR District- Rohtas

NITISH KUMAR @ NITISH KUMAR GUPTA son of SATyanarayan Prasad
Gupta Village- Chanari Near Agriculture Farm Ps- Chenari Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Gupta son of Late Munshi Sah Mohalla- Gaurakshani
Gajradh Sasaram Ps- Sasaram Town Dist- Rohtas
3. NISHA KUMARI D/O SANJAY KUMAR GUPTA MOHALLA-
GAURAKSHANI GAJRADH, SASARAM, PS- SASARAM (TOWN),
DIST- ROHTAS PIN 821115

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Kuber Pathak

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 27-02-2024 1. Heard learned Counsel for the petitioner, learned Counsel
for the complainant-Opposite Party No. 2 and learned
Additional Public Prosecutor for the State.
2. The petitioner apprehends his arrest in connection with
Sasaram (Town) P.S. Case No. 984 of 2022 dated
13.11.2022 arising out of Complaint Case No. 760 of
2022, registered for the offences punishable under Section
342, 323, 498-A of the Indian Penal Code and Sections 3
and 4 of the Dowry Prohibition Act.
3. The allegation, as per the complaint, is that the marriage
of the Opposite Party No. 2 was solemnized with the



petitioner on 04.07.2018, the petitioner and other family members started demanding a motorcycle for which Rs. 85,000/- was given to his samdhi to buy the same. After that, there was a demand, from the side of the petitioner and his family, of two kathas of land, near Sasaram road, and due to non-fulfillment of the said demand, the petitioner and other family members tortured the Opposite Party No. 2 physically as well as mentally. The petitioner, along with his family members ousted the opposite party no. 2 from her matrimonial home.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel further submits that the allegations against the petitioner are false and concocted. However, without prejudice to the right and contention of the petitioner, and in order to maintain harmony in the family, the petitioner is ready and willing to pay a sum of Rs. 3,000/- per month to the Opposite Party No. 2 as living cost, subject to the final outcome of the present case as well as the matrimonial case, if any, pending or decided between the parties.



5. Learned Counsel for the complainant-Opposite Party No. 2 accepts the offer so made by learned Counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 3,000/- per month in the bank account of the complainant-Opposite Party No. 2, details of which shall be furnished by learned Counsel for the Opposite Party No. 2 to learned Counsel for the petitioner within ten days from today.
6. After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned Counsel for the petitioner has been accepted by learned Counsel for the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on bail, upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sasaram (Town) P.S. Case No. 984 of



2022 dated 13.11.2022 arising out of Complaint Case No.
760 of 2022.

9. This is subject to the condition that the petitioner shall deposit a sum of Rs. 3,000/- per month in the bank account of Opposite Party No. 2, starting from 10th March, 2024.

(Anil Kumar Sinha, J)

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