

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60379 of 2024

Arising Out of PS. Case No.-2174 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Amrendra Upadhya @ Amrendra Kumar Upadhyay Son of Vidhyapati
Upadhyay R/o Village- Naya Gaon Tulsiya, ward No.13, P.S.- Mirganj,
District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Upadhyay Wife of Amrendra Upadhya R/o Village- Naya Gaon
Tulsiya, ward no.13, P.S.- Mirganj, District- Gopalganj. At present Daughter
of Vijay Mishra, R/o Village- Narainiya, P.O. and P.S.- Mirganj, District-
Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Dubey, Advocate
For the State	:	Ms. Asha Kumari, Advocate
For O.P. No. 2	:	Ms. Kumari Anupam, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Tr. No. 2219 of 2024 arising out of Complaint Case No. 2174 of
2023 dated 22.09.2023 instituted for the offence punishable under
Sections 498A of the Indian Penal Code.

3. The prosecution case, in short, is that the marriage of
the complainant was solemnized with the petitioner on 07.06.2005,
but the accused persons were not satisfied with the gifts given in
the marriage and they used to demand four-wheeler car in dowry
from the complainant. On non-fulfilment of the same, they



assaulted and tortured the complainant. On 27.08.2021, the accused persons ousted the complainant from her matrimonial house with her daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is the husband of the complainant. The present case has been lodged after 19 years of marriage. Learned counsel for the petitioner submits that the petitioner is ready to keep the complainant with full dignity and honour. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Learned counsel for the complainant submits that the complainant is also ready to live with the petitioner with full dignity and honour.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Tr. No. 2219 of 2024 arising out of Complaint Case No. 2174 of 2023, he will be released on provision bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the learned C.J.M., Gopalganj, subject to condition as laid down under Section 438(2) of the Cr.P.C.

8. At the time of furnishing bail bond on 21.01.2025, the complainant is also directed to be present in the court below. Further, the petitioner is directed to take his wife with him on the same date i.e. 21.01.2025 from the court itself.

9. The Court below is directed to monitor the relationship of the petitioner with his wife by calling them physically in the court every month for the next six months and if there is no complaint against the petitioner(husband), of the complainant after completion of six months, provisional bail of the petitioner shall be confirmed.

10. It is expected that the complainant will also co-operate with the petitioner while living in the matrimonial home peacefully.

(Khatim Reza, J)

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