

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60952 of 2023

Arising Out of PS. Case No.-1363 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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UMESH GUPTA @ UMESH KUMAR GUPTA SON OF DHUDHNATH
SAH RESIDENT OF VILLAGE- RAJAPUR, PS- KOILWAR, DISTT-
BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. KAMAL DEVI WIFE OF UMESH GUPTA @ UMESH KUMAR GUPTA
RESIDENT OF VILLAGE- RAJAPUR, PS- KOILWAR, DISTT-
BHOJPUR AT PRESENT VILLAGE AND PO- DHAMAR, PS- ARA
MUFFASIL, DISTT- BHOJPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Malti Kumari
For the Opposite Party/s : Mrs. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-03-2024 Heard learned counsel for the parties.

2. Despite valid service of notice, nobody entered appearance on
behalf of the complainant.

3. The petitioner apprehends his arrest in a case registered for
the offences punishable under Section 323, 498A and 34 of the
Indian Penal Code.

4. Petitioner, who is husband of opposite party no2., is said to
have assaulted and ousted the opposite party no.2 from her
matrimonial home in association of his family members over the
dowry demand.

5. It is submitted by learned counsel for the petitioner that the
petitioner is an innocent person and has committed no offence.



Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. 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**.

6. In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No.1363 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

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

8. Accordingly, this application stands allowed.

(Anjani Kumar Sharan, J)

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