

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64851 of 2024**

Arising Out of PS. Case No.-697 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

Suraj Kumar Gupta Son of Dinesh Sah R/o Village- Kasbe Aahar, Tajpur
Hospital Road, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sindhu Kumari W/o Suraj Kumar Gupta, D/o Ssuresh Sah Permanent R/o Village- Kasbe Aahar Tajpur Hospital Chowk, National Gogle Jaan, P.S.- Tajpur, District- Samastipur, At present R/o Village- Chandauli, P.S.- Wanni O.P. (Tajpur), District- Samastipur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Dilip Kumar Roy, Advocate
For the State	:	Mr.Yogendra Kumar, APP
For O.P. No. 2	:	Mr. Pramod Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party no. 2/complainant.

02. In the present case, the petitioner is apprehending his arrest in connection with C.R. No. 697 of 2019 wherein processes have been directed to be issued after cognizance being taken for the offences under Section 498A, 323, 341, 379, 504 of the Indian Penal Code.

03. As per prosecution case, the petitioner is the husband of the complainant/opposite party no. 2 and allegation



is that of torturing opposite party no. 2 on account of dowry demand.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner being the husband of opposite party no. 2 always wants to keep her with honour and dignity. The petitioner never demanded any dowry and never tortured the complainant/opposite party no. 2. The complaint petition has been filed against the petitioner and his family members in order to pressurize them. In the facts and circumstances, no offence under Section 498A of the Indian Penal Code is made out. and there is no allegation of demand of dowry or torture. Learned counsel further submits that as the complainant is the wife of the petitioner and child is staying with opposite party no. 2, the petitioner undertakes to make payment of Rs. 6,000/- per month to the complainant/opposite party no. 2 towards expenses of opposite party no. 2 and one child till disposal of the case before the learned trial court.

05. Learned A.P.P. for the State as well as learned counsel appearing for the opposite party no. 2/complainant vehemently oppose the submission made on behalf of the



petitioner. Learned counsel appearing for the opposite party no. 2/complainant submits that the petitioner has solemnized two more marriages after ousting complainant/opposite party no. 2 from his house and he does not want to keep his wife with honour and dignity.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of dispute and allegation and also considering the undertaking of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Additional Chief Judicial Magistrate-I, Samastipur in connection with C.R. No. 697 of 2019, T.R. No. 1574 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) The petitioner would make payment of Rs.6,000/- per month on or before 10th day of each month till disposal of C.R. No. 697 of 2019.



- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

07. However, it is made clear that this amount will be subject to adjustment pursuant to further orders made by any competent court with regard to maintenance to the opposite party no. 2.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

