

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69015 of 2023

Arising Out of PS. Case No.-681 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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MANOJ KUMAR son of Rajendra Prasad Gupta Village- Usas Dewra Ps-
Konch Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupa Kumari wife of Manoj Kumar, D/o- Pawan Kumar Village- Barun Ps-
barun Dist- Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Sr. Adv.
Mr.Manish Kumar Singh, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-05-2024 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Complaint Case No.681/2018, registered for the offence
punishable u/s 498(A), 323, 420, 494, 504, 120(B) of IPC and
section 3/4 of the D.P. Act.

3. Petitioner being the husband of the complainant is alleged
to have made demand of car in the form of dowry from the
complainant and used to assault her and ultimately drove her out
of the matrimonial house.

4. Learned Senior Counsel for the petitioner submits that
petitioner is the husband of complainant and he never demanded



any dowry and indulged in assaulting the complainant. It is submitted that the complainant Rupa Kumari, was a Government employee at the time of her marriage, which is clear from Annexure-P/2 of the bail petition and she always pressurized her husband (petitioner) to leave his parental house and she did not want to stay in her matrimonial house. Thereafter, the petitioner preferred Civil M.A. No.958/2018 for restitution of conjugal right u/s 9 of the Hindu Marriage Act, 1955 before the Court of learned Civil Judge, Senior Division, Pune on 16.07.2018. It is submitted that the petitioner in apprehension of his implication in a criminal case by the complainant, has preferred informatory petition bearing no.1627/2018 before the Court of learned CJM, Gaya on 08.06.2018, which is clear from Annexure-P/3 to the bail petition. Thereafter, the present case has been filed by the complainant.

5. Learned counsel for the O.P. No.2 as well as learned APP for the State opposed the bail application but have fairly submitted that the complainant is already employed but the only grievance is that she wants an one time settlement.

6. Having regard to the facts and circumstances of the case, 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.681 of 2018, subject to the conditions 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 Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

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