

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10848 of 2024

Arising Out of PS. Case No.-5 Year-2020 Thana- COMPLAINT CASE District- Supaul

Om Prakash Gupta S/O Shiv Shankar Gupta R/O Village- Atari, P.S- Laukahi,
Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhumala Kumari @ Madhumala Devi W/O Om Prakash Gupta, D/O Krishna Prasad Gupta R/O Village- Atari, P.S- Laukahi, Distt.- Madhubani
At Present- C/O R/O Village- Hridayangar, P.S- Birpur, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate
For the State	:	Mr.Bisheshwar Ram, APP
For O.P. No. 2	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner as well as

learned counsel for the complainant-opposite party no. 2 and

learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 05C of 2020, filed on 08.01.2020, wherein processes have been directed to be issued after cognizance being taken for the offences under Sections 498A, 323 & 504 of the Indian Penal Code.

3. As per prosecution case, the allegation against the petitioner, who is husband of the complainant, is that the petitioner used to demand dowry and on non-fulfillment of the



demand, tortured and treated the complainant with cruelty and lastly drove her out from his house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is ready to keep the complainant with dignity and honour but she is not willing to live with the petitioner. The demand of dowry is concocted story. There is general and stereo type allegation against the petitioner. The complainant herself left her matrimonial home without any information to the petitioner or his family and a panchayati was held where the complainant agreed to stay in her matrimonial home. But after sometime she again fled away from her matrimonial home taking her ornaments. Despite several efforts by the petitioner and his family members, the complainant has refused to return and fed up with the attitude of the complainant, the petitioner solemnized second marriage and he has also filed Divorce Case No. 28 of 2020 which is pending in the court of learned Principal Judge, Family Court, Madhubani.

5. Learned APP as well as learned counsel appearing on behalf of complainant-opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the conduct and



attitude of the petitioner is apparent from the averments made in the petition itself. The petitioner has admitted that he has solemnized another marriage while his first marriage has been subsisting with the complainant and thereafter, he has filed a divorce case. Such brazen act of the petitioner corroborates the allegations made in the complaint petition of the complainant.

6. Having considering the fact that the petitioner has solemnized second marriage during subsistence of the first marriage and there are allegation of torture relating to dowry demand and other allegations, I do not think it is a fit case for grant of anticipatory and hence, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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