

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64937 of 2024

Arising Out of PS. Case No.-464 Year-2023 Thana- COMPLAINT CASE District- Araria

Santosh Kumar Gupta S/O Niranjan Prasad Gupta Resident Of Mohalla -
Hawai Adda Chowk, Ps- Sahayak Katihar, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yashoda Devi W/o Santosh Kumar Gupta, D/o Vikram Prasad Saha R/o Mohalla - Hawai Adda Chowk, P.S. - Sahayak Katihar, Distt. - Katihar, Presently resided at vill- Nawabganj Fulkaha, ward no. 3, P.S. - Fulkaha, Distt. - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 17-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 464 of 2023 for the offence under Sections 498A and 494 of the I.P.C.

3. As per the prosecution story, the complainant has alleged that her marriage was solemnised with the petitioner on 24.06.2011 according to Hindu Rites and Rituals. It is alleged that after two years of marriage, the complainant has been tortured mentally and physically for demand of dowry by the accused persons. It is also alleged that on 05.06.2024, when she was pregnant, the petitioner has ousted her from her



matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present false case. As a matter of fact the present O.P. No. 2 has a habit to leaving her matrimonial house without giving information to her in laws or this petitioner and the petitioner time and again tried to reconcile the matter but the O.P. No. 2 was not ready to live in her matrimonial house. Thereafter, the petitioner filed matrimonial suit for restitution of conjugal life but the O.P. No. 2 in place of settling the dispute filed the present complaint case which itself shows her conduct. The petitioner filed a matrimonial suit for restitution of his conjugal life being Matrimonial Case No. 191 of 2023 in the Court of Learned Principle Judge Family Court, Katihar and inspite of valid service of notice the O.P. No. 2 did not appeared and the Matrimonial Case decided ex-parte. Vide order dated 03.04.2024/06.04.2024, O.P. No. 2 is directed to rejoin the company of the petitioner at her matrimonial home.

5. Learned APP opposes the prayer for bail.

6. The petitioner has already filed Matrimonial Case No. 191 of 2023 for restitution of conjugal life under Section 9 of the Hindu Marriage Act which has been decreed in his favour



by learned Additional Principal Judge, Family Court, Katihar and despite of that, O.P. No. 2 is not ready to live with him. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Complaint Case No. 464 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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