

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3493 of 2026

Arising Out of PS. Case No.-323 Year-2025 Thana- COMPLAINT CASE - MASAUHRI
District- Patna

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Dhiraj Kumar Gupta S/o Late Pradeep Kumar Gupta Resident of - Gandhi
School Road Gass Godown Gali, Jhumri Tilaiya, P.S - Tilaiya, District -
Kodarma, State - Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari W/o Dhiraj Kumar Gupta D/o Dharmavir Prasad Gupta,
R/o Village - Rahmatganj Station Road, Behind - Janki Market (Batasa
Soap), P.O - Teragna, P.S - Masaurhi, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-06-2026 Pursuant to order of this Court, the matter was

referred to Mediation & Conciliation Center of Patna High

Court, but the dispute between the parties could not be resolved

through the process of mediation and as such, mediation failed

(Report kept at flag 'M').

2. Heard learned counsel for the petitioner and the

State.

3. Petitioner apprehends arrest in a case registered for

the offences punishable under sections 115(2), 85, 3(5) of the

Bharatiya Nyaya Sanhita, 2023 and Sections 3 & 4 of the

Dowry Prohibition Act.

4. Learned counsel appearing for the petitioner, while

denying the allegations, submits that the petitioner is innocent



and has falsely been implicated in this case because he happens to be husband of opposite party no.2. Petitioner is unable to pay interim solace/maintenance to opposite party no.2.

5. Learned counsel for the State opposed the prayer for bail and submits that the petitioner, being husband of opposite party no.2, in connivance with his family members, subjected her to harassment and cruelty for non-fulfillment of demand of dowry and also ousted her to her parents' house. It is further submitted that she has no means of livelihood and is on the verge of starvation.

6. Petitioner is husband of opposite party no.2. It is both a statutory and moral duty of a husband to ensure that his wife does not fall into destitution. The wife has a legal right to maintain a standard of living comparable to what she would have enjoyed while living with her husband. Petitioner cannot refuse to provide maintenance to opposite party no.2.

7. Considering the nature and gravity of accusation and conduct of the petitioner, his prayer for bail is rejected.

(Prabhat Kumar Singh, J)

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