

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51859 of 2014

Arising Out of PS.Case No. -196 Year- 2012 Thana -PATLIPUTRA District- PATNA

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1. Deepak Kumar Son of Late Devendra Prasad Verma, Resident of Mohalla - Patel Nagar, P.O. + P.S. - Sohsarai, District - Nalanda.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar

For the Opposite Party : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-03-2015 The petitioner has preferred 3rd anticipatory bail application in a case registered for the offences punishable under Sections 323, 341, 498A of the I.P.C.

The petitioner was granted provisional anticipatory bail vide order dated 07.10.2013 passed in Cr. Misc. No. 31997 of 2013 on submission of the petitioner to keep the informant as wife with full dignity and honour. The provisional bail was to be confirmed by learned Court below on substantial restoration of matrimonial harmony, the informant fails to appear before learned Court below or if the informant is reluctant to reconcile the issue.

This fact was not brought to the notice to the Court that wife of the informant died on 08.04.2013 itself in the matrimonial house. Subsequently the father-in-law of the petitioner filed Cr. Misc. No. 46533 of 2011 for cancellation of

provisional bail bringing notice to this Court that even learned Sessions Judge has incorporated this fact while rejecting the anticipatory bail of the petitioner that the victim died on 08.04.2013. The said cancellation application was disposed off since the period of provisional bail already elapsed.

The petitioner preferred second anticipatory bail application vide Cr. Misc. No. 2851 of 2014 which was disposed off with liberty to the petitioner to surrender within a period of six weeks and pray for regular bail when it was observed that let learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court.

Now the 3rd anticipatory bail application has been preferred to the effect that prior to the death, the informant filed compromise petition before learned Court below.

It is submitted by learned counsel for the informant that in pursuance to the compromise the victim went to in-laws house and two days thereafter she died in the hospital.

This Court is not inclined to entertain the 3rd anticipatory bail application. However once again the petitioner is given liberty to surrender within a period of four weeks and prayer for regular bail when the same will be disposed off keeping in view of the fact that the case was registered under

Sections 323, 341, 498A/34 of the I.P.C and Section 3/4 of the Dowry Prohibition Act and prior to death a compromise petition was filed by the victim.

Accordingly the application is disposed off in connection with Patliputra P.S. Case No. 196 of 2012, pending in the Court of learned Chief Judicial Magistrate, Patna.

(Dinesh Kumar Singh, J)

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