

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44660 of 2015

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Akhilesh Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar, Advocate

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2015

Heard.

The present application has been filed for modification of the order dated 21.02.2013 passed in Criminal Miscellaneous No.3078 of 2013 to the extent of confirming the provisional bail granted for one year to the petitioner in a case registered for the offences under sections 498A and 323 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

The provisional bail for one year was granted to the petitioner on submission that the petitioner is ready to keep the complainant as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed by the learned court below, if the matrimonial harmony is substantially restored or if the complainant deliberately refuses

to reside with the petitioner or if the complainant fails to appear.

It is submitted by learned counsel for the petitioner that the petitioner made all efforts to reconcile the issue but the matrimonial harmony could not be restored due to the laches on the part of the complainant. Subsequently, the petitioner filed second anticipatory bail application being Criminal Miscellaneous No.22147 of 2014 which was permitted to be withdrawn vide order dated 11.02.2015.

Considering the fact that the provisional bail for year was granted to the petitioner vide order dated 21.02.2013 and the present modification application has been filed on 16.09.2015, much after lapse of period of provisional bail, this court is not inclined to entertain the modification application. But in view of this court, since the petitioner has enjoyed the privilege of anticipatory bail for considerable period no useful purpose will be served in allowing the court to take the petitioner in custody. Hence, in view of the present stand of the petitioner that he is ready to keep the complainant as wife, let the learned court below consider the prayer for regular bail of the petitioner, if he surrenders within a period of six weeks in connection with Complaint Case No.2230 of 2011, pending before the learned

SDJM, Gopalganj.

Accordingly, the modification application is disposed

of.

Ashwini/-

(Dinesh Kumar Singh, J)

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