

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45335 of 2015

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Rajan Kumar Verma son of Sri S.N. Tatarway Resident of D-54 Rajeev Nagar, Bampur Ca Begampur, New Delhi- 86, Permanent resident of Mohalla- Shivpur, Post Office- Mahendru, P.S.- Sultanganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Richa Anand, Daughter of Anil Kumar Ambastha, Resident of SRT- 27, Rajendra Nagar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 23-09-2015

The present application has been filed for modification of order dated 24.01.2013 passed in Cr. Misc. No. 48431 of 2012 for confirmation of the provisional anticipatory bail granted to the petitioner in a case registered for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

On submission of learned counsel for the



petitioner that the petitioner being the husband of the informant is ready to keep the informant as wife with full dignity and honour the petitioner was granted provisional anticipatory bail for one year. The provisional bail was to be confirmed by the learned court below on substantial restoration of matrimonial harmony or if the informant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that in spite of all efforts the matrimonial harmony could not be restored due to the latches on the part of the informant, who failed to appear before the learned court below. The prosecution of other accused has been quashed by a co-ordinate Bench of this Court vide Cr. Misc. No. 18074 of 2014.

Since the present modification application has been filed on 21.09.2015 for modification of order dated 24.01.2013 when the period of provisional anticipatory bail was lapsed on 23.01.2014, this Court is not inclined to interfere. But, in view of this Court no useful purpose will be served in allowing the petitioner to go to the custody when the petitioners has enjoyed the privilege of provisional anticipatory bail for a considerable period, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection

with Sultanganj P.S. Case No. 159 of 2011 pending in the court of learned Additional Chief Judicial Magistrate, Patna City.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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