

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36758 of 2013

Arising Out of PS.Case No. -104 Year- 2011 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

Tripurari Prasad S/O Sri Ghanshyam Mahto Resident Of Village Aijhi, P.S.
Korma, District Shekhpora.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 26-08-2015

Heard learned counsels for the petitioner,

State and the complainant.

The petitioner has renewed his prayer for anticipatory bail in Complaint Case No. 104(C) of 2011 wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 of the Indian Penal Code and 3/4 of Dowry Prohibition Act, pending in the court of learned SDJM, Sheikhpura.

The petitioner was granted provisional anticipatory bail vide order dated 19.04.2012 passed in Cr. Misc.

No. 14286 of 2012 for one year when the learned court below was to make effort to reconcile the issue. The provisional bail 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.

It is submitted by learned counsel for the petitioner that since the issue has been settled between the parties on payment of permanent alimony of Rs.4,50,000/-, though, the marriage was dissolved by an ex-parte decree of divorce but the same was being unsettled by the appellate court.

Considering the fact that the petitioner was earlier granted provisional anticipatory bail vide order dated 19.04.2012 and consequently petitioner executed bail bond, hence, the second anticipatory bail application is not maintainable because the petitioner is deemed custody of the court. Accordingly, this application is disposed of.

Let the learned court below consider the prayer for regular bail of the petitioner keeping in view of the fact that both sides have settled the issue on payment of permanent alimony.

The aforesaid contention of the petitioner is not being controverted by the counsel for the complainant.

In the circumstances, it is expected from the learned court below to dispose of the regular bail application of the petitioner preferably on the same day.

(Dinesh Kumar Singh, J)

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