

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24984 of 2014

Arising Out of PS.Case No. -688 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

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Md. Sharik Son of Md. Shakil Resident of Village Tarapur, P.S-
Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Naziya Khatoon Wife of Md. Sarik resident of Village Tarapur, P.S-
Bakhtiyarpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 16-09-2015

Heard learned counsels for the petitioner
and the State.

The petitioner has renewed his prayer for
anticipatory bail in a complaint case wherein processes have
been directed to be issued after cognizance being taken 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 is ready to keep the complainant as
wife with full dignity and honour, the petitioner was granted

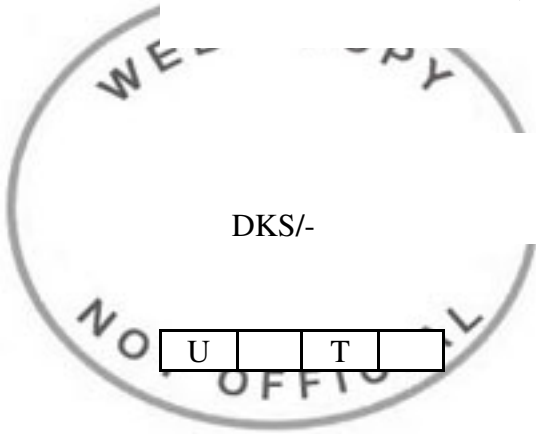
provisional anticipatory bail vide order dated 06.02.2013 passed in Cr. Misc. No. 48678 of 2012. The provisional bail was to be confirmed by the learned court below within one year on substantial restoration of the matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that in pursuance to the order of this Court the complainant went to matrimonial house and thereafter she deserted the petitioner and filed another case being Complaint Case No. 259C of 2013 on 10.04.2013 with similar accusation.

Considering the fact that the petitioner executed bail bonds in pursuance to the earlier order granting provisional anticipatory bail, the present anticipatory bail application is not maintainable. 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 the petitioner enjoyed the privilege of anticipatory bail for a considerable period and no useful purpose will be served at this stage to send the petitioner to custody, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 688(C) of 2011

pending in the court of learned Sub-divisional Judicial Magistrate,
Barh, District – Patna.



(Dinesh Kumar Singh, J)