

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45360 of 2015

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1. Satyajeet Kumar Singh Son of Late Birendra Kumar Singh resident of
Mohalla - Ahmad Ali Lane, Sikandarpur, P.S. Mojahidpur, Distt. Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

2. Ranjana Singh @ Soni Daughter of Ranjit Prasad Singh resident of
Mandar Vidhyaputh, Kapileshwari Nikunj, P.S. Panjwara, Distt. - Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. A.A.Khan (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 21.08.2015 passed in Cr. Misc. No.
38488 of 2015 to the extent that the statement made in paragraph
no. 12 of the main petition that the 'petitioner is ready to keep the
complainant as wife with full dignity and honour' has wrongly
been made.

The factual matrix of the case is that the
petitioner being the husband of the complainant was granted
provisional anticipatory bail in Complaint Case No. 425 of 2014
wherein processes were directed to be issued after cognizance
being taken for the offences punishable under Sections 498A of
the Indian Penal Code and Section 4 of the Dowry Prohibition

Act, pending in the court of learned Sub-divisional Judicial Magistrate, Banka.

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

This Court passed the order on submission of learned counsel for the petitioner that the factum of marriage is admitted between the petitioner and the complainant and on instruction it was submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect being made in paragraph 12 of the main petition, which reads as follows:-

“That irrespective of allegation and filing of false case, the petitioner is always ready to keep his wife with full honour and dignity.”

This Court on the basis of above statement made in the petitioner coupled with similar submission made by petitioner's counsel granted provisional anticipatory bail to the petitioner with a direction to the leaner court below to issue notice to the complainant for her appearance and on her appearance, the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially

restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Now it is submitted by learned counsel for the petitioner that the statement in paragraph 12 of the main petition has been made without the instruction of the petitioner.

Considering the fact that statement in paragraph no. 12 of the petition has been made on affidavit, hence, the present modification application appears to be absolutely frivolous.

Since the initial application and the present application were sworn by one and the same person Mr. Shishir Mayank S/o Sri Anil Kumar Singh, hence, as per his own admission the deponent has committed perjury but this Court is restraining itself from not ordering the prosecution of the deponent since the matter relates to matrimonial dispute.

Accordingly, this modification application is dismissed.

(Dinesh Kumar Singh, J)

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