

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47358 of 2014

Arising Out of PS.Case No. -444 Year- 2013 Thana -JHANJHARPUR District- MADHUBANI

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Shankar Kumar Paswan son of Bhola Paswan resident of Village - Nahari,
P.S. - Loukha, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarita Devi, wife of Shankar Kumar Paswan, resident of village-Nahari,
P.S.-Loukha, District-Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 19-07-2017 Heard learned counsel for the petitioner and the

State.

Perused the report of the learned Sub-Divisional
Judicial Magistrate, Jhanjharpur, Madhubani dated 23.06.2017,
kept at 'Flag-A'.

The petitioner, being the husband of the
complainant, was granted provisional anticipatory bail for six
months in Complaint Case No.444 of 2013, wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Section 498A of the Indian Penal Code
and Sections 3/4 of the Dowry Prohibition Act. The petitioner
denied the factum of marriage, as a result, the learned Court below



was directed to conduct an enquiry with regard to the factum of marriage between the parties with liberty to confirm the provisional bail of the petitioner, if it is prima facie found that the petitioner has never been married with the complainant, otherwise petitioner was directed to surrender before the learned Court below and pray for regular bail.

It appears from the report of the learned Sub-Divisional Judicial Magistrate, Jhanjharpur, Madhubani that the petitioner has failed to appear before the learned Court below in spite of several adjournments. Hence, the learned Court below has prayed for extension of period of enquiry. Since, the period of provisional bail has already been lapsed on 22.10.2015 and the request for extension of period of enquiry has been made by learned court below vide letter dated 23.06.2017, this Court is not inclined to extend the period of enquiry.

No application has been filed on behalf of the petitioner either for extension of period of enquiry or extension of period of provisional bail.

Let the petitioner surrender before the learned court below and pray for regular bail.

Arvind/-

(Dinesh Kumar Singh, J)

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