

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30629 of 2016

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1. Sonu Kumar @ Raju Kumar S/o Jaldhar Yadav, Resident of Village-
Chandra Nagar Ranko, P.S.- Khagaria (Mufassil) District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Devi W/o Sonu Kumar @ Raju Kumar, Resident of Village-
Chandra Nagar Ranko, P.S.- Khagaria (Mufassil) District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Ajay Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-07-2016

The present application has been filed for modification of the order dated 07.08.2015 passed in Cr. Misc. No. 32201 of 2015 for confirmation of provisional anticipatory bail granted to the petitioner for a period of one year.

The petitioner being husband of the informant was granted provisional anticipatory bail for one year in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act on the readiness of the petitioner to keep the informant as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed by learned Court below in three eventualities (i) on substantial restoration of matrimonial harmony within a period of one year (ii) if the informant fails to appear before learned Court below (iii) if the informant is reluctant to reconcile the issue.



It is submitted by learned counsel for the petitioner that in pursuance to the provisional bail the petitioner surrendered and executed the bail bond on 27.10.2015 and the informant also filed an affidavit stating therein that she is residing with the petitioner and petitioner is keeping her with dignity and honour. The aforesaid affidavit has been brought on record as Annexure-2 in the present modification application. Thereafter the petitioner filed a petition before learned Court below with a prayer to confirm the provisional bail but till date no such order has been passed. Subsequently on 22.02.2016 the informant retracted from the initial version and has filed a petition that she is being tortured. The petitioner filed a reply to the same stating therein that informant's family assaulted the petitioner. The informant has not appeared after 22.02.2016 but in spite of that learned Court below has not passed the order for confirmation of provisional bail of the petitioner though one of the conditions for confirmation of provisional bail was none appearance of the informant.

Considering the fact that period of provisional bail has still not been expired, the order dated 07.08.2015 is modified to the extent that that provisional bail of the petitioner is extended for a further period of four months.

Let learned Court below make an effort to get the issue reconciled. However, if the issue does not get

reconciled between the parties due to the latches on the part of the informant or the informant does not appear before learned Court below then the provisional bail of the petitioner will be confirmed. But, if the issue is not reconciled between the parties due to the latches on the part of the petitioner in that circumstance, the petitioner will surrender and pray for regular bail.

The order dated 07.08.2015 stands modified to the extent as indicated above.

Accordingly the modification application is disposed off in connection with Khagaria(Mufassil) P.S. Case No. 296 of 2015, G.R. No. 1206 of 2015, pending in the Court of learned Chief Judicial Magistrate, Khagaria.

(Dinesh Kumar Singh, J)

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