

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8452 of 2016

Arising Out of PS.Case No. -619 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Sandeep Kumar Sharma @ Sandeep Sharma @ Sandeep Kumar, Son of
Kedar Thakur @ Kedar Sharma resident of village – Mushahari, P.S. –
Ramgarhwa, District – East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Reshmi Devi @ Rashim Devi, Wife of Sandeep Kumar Sharma,
Daughter of Gama Singh @ Vishashtha Narain Singh, Resident of
village – Mushahari, P.S. – Ramgarhwa, District – East Champaran, at
present R/v – Parsa Rai Tola, P.S. – Majhauriya, District – West
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

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

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

ORAL ORDER

02/ 03-08-2016

Heard learned counsels for the petitioner

and the State.

The petitioner being the husband of the complainant has renewed his prayer for anticipatory bail in a complaint case wherein process has 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 petitioner was earlier granted provisional anticipatory bail for one year vide order dated



18.04.2013 passed in Cr. Misc. No. 11410 of 2013 on readiness to keep the complainant as wife with full dignity and honour. The learned court below supposed to issue notice to the complainant and on her appearance the petitioner was to take the complainant to keep as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below on substantial restoration of the matrimonial harmony within a period of one year, or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that the matrimonial harmony could not be restored due to the adamant attitude of the complainant. It is further submitted that the complainant has performed second marriage.

It appears that earlier the petitioner was granted provisional anticipatory bail vide order dated 18.04.2013 and the present application has been filed on 18.02.2016, hence, this Court is not inclined to again consider the prayer for anticipatory bail of the petitioner.

Keeping in view of the fact that the petitioner has enjoyed the privilege of anticipatory bail for considerable period and furnished the bail bond, hence, he was in deemed custody of the

court. In that view of the matter, the present anticipatory bail application is not maintainable.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of three weeks from today in connection with Complaint Case No. 619C of 2011 pending in the court of learned Sub-divisional Judicial Magistrate, West Champaran at Bettiah. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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