

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14473 of 2015

Ranjan Mandal

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 30-03-2016

The present application has been filed for modification of the order dated 24.02.2014 passed in Criminal Miscellaneous No.25909/2013 whereby the petitioner was granted provisional anticipatory bail for six months in connection with a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

Accusation is of torture for non-fulfillment of dowry demand.

The petitioner was granted provisional anticipatory bail for six months on the ground that the petitioner denied the factum of marriage. The provisional bail of the petitioner was to

be confirmed by the learned court below after conducting enquiry if it is found that the petitioner was never married with the complainant otherwise the petitioner had to surrender and pray for regular bail.

It is submitted by learned counsel for the petitioner that no such enquiry was ever conducted and now charges have been framed.

Though, notices were issued to the complainant in the modification application vide order dated 22.04.2015 but office note dated 09.02.2016 reflects that the notices have been received by her mother and thereafter, vide order dated 10.02.2016, the notices issued to opposite party no.2 was deemed to be validly served.

The aforesaid facts constitutes ground for consideration of prayer for regular bail.

Under the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.281/2012, pending before the learned SDJM, Banka.

With the above observation, this modification application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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