

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20109 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -SIMRI District- DARBHANGA

=====

Satya Narayan Choudhary S/o Ram Prasad Choudhary Resident of Village-Arai, PS Simri, District Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. Rinki Devi @ Goldi W/o Sri Satya Narayan Choudhary and Daughter of Sri Birendra Choudhary Resident of Village- Sowar, PS Nanpur, District Sitamarhi.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad
For the Opposite Party/s : Mr. Abhay Kr. Ray(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-05-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 498(A), 379 and 504 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

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

It appears from the impugned order that the petitioner was granted provisional anticipatory bail on the ground that the petitioner was ready to keep the informant with full dignity and honour, but since the petitioner failed to comply the undertaking hence his second anticipatory bail application was rejected by the learned court below.

It is submitted by the learned counsel for the petitioner that in pursuance to the provisional anticipatory bail granted to the petitioner, the petitioner furnished the bail bonds.

Since by virtue of execution of bail bonds the petitioner is in deemed custody of the court hence anticipatory bail application is not maintainable in view of the ratio laid down in the case of Bishundeo Sahu Vs. State of Bihar, reported in 2011 (1) PLJR, 731. Let the learned court below consider the prayer for regular bail of the petitioner in view of the ratio laid down in the case of Mahendra Pd. Sah Vs. State of Bihar 2004 (3) PLJR, 491, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Simri P.S. Case No. 91 of 2015, pending in the court of the learned Judicial Magistrate 1st Class, Sri Anand Abhishek, Darbhanga.

It is made clear that in such a circumstance bail can only be denied in case of misuse of privilege of earlier bail.

With the aforesaid observations, this application is disposed of.

(Dinesh Kumar Singh, J.)

KKSINHA/-

U		T	
---	--	---	--