

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3758 of 2016

Arising Out of PS.Case No. -585 Year- 2006 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Vishnu Prasad @ Bishnu Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Umanath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-01-2016

Heard learned counsels 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It appears that the petitioner earlier preferred anticipatory bail vide Cr. Misc. No. 24326 of 2011 which was dismissed for non-compliance of the preemptory order dated 23.08.2011. The petitioner subsequently filed restoration application of Cr. Misc. No. 24326 of 2011 vide Cr. Misc. No. 31181 of 2015. The same was disposed of vide order dated 07.08.2015, as restoration application was filed after four years of dismissal of the application, with liberty to the petitioner to file

afresh application.

It is submitted by learned counsel for the petitioner that though, cognizance was taken in the year 2006 and the first anticipatory bail application was filed in the year 2011 as the petitioner was not aware about the case as he is the resident of Darjiling, but subsequently the complainant lodged Matigarha (Darjiling) P.S. Case No. 148 of 2007 levelling accusation under Section 498A of the IPC wherein the petitioner has been granted anticipatory bail by learned Sessions Judge, Darjiling and the petitioner has filed Matrimonial Suit No.44 of 2005 with a prayer for divorce before the learned District Judge, Darjiling wherein also the complainant has not appeared till date.

Considering the fact that the cognizance was taken in the year 2006 and the earlier anticipatory bail application was dismissed for default, this Court is not inclined to interfere, but keeping in view of the fact that the petitioner filed matrimonial suit before filing of the present compliant and the complainant has not entered her appearance in the matrimonial suit, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Complaint Case No. 585 of 2006

pending in the court of learned CJM, Siwan.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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