

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58071 of 2015**

Arising Out of PS.Case No. -44 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

Vishal Das

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Singh

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

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

2 04-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323, 341, 504 and 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 15 of the petition, which reads as follows:-

*“That this petitioner once again undertakes, that he is ready and willing to keep her as wife with full honour and dignity.”*

Though, the petitioner was earlier granted provisional anticipatory bail by learned court below and in pursuance to that the petitioner furnished bail bonds but subsequently since the issue could not be reconciled in spite of the effort made by the petitioner, prayer for anticipatory bail was rejected.

Considering the fact that the petitioner was granted provisional anticipatory bail and he had furnished bail bonds, the present anticipatory bail application is not maintainable in view of the ratio laid down in the case of **Mahendra Prasad Singh Vs. State of Bihar, reported in 2004(3) PLJR, 491.**

However, considering the present stand of the petitioner, 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 Mahila (Dehri) P.s. Case No. 44 of 2015 pending in the court of learned CJM, Sasaram keep in view of the abovementioned ratio.

It is made clear that in such circumstances, the prayer for regular bail of the petitioner will only be denied in case of misuse of privilege of bail.

Accordingly, the application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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