

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22671 of 2016

Arising Out of PS.Case No. -1421 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

=====

Dinesh Kumar @ Ravi Kumar Rajak Son of Jitan Rajak Resident of Gayatri Nagar, PO+PS- Jamalpur, Distrit Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khushboo Kumari W/o Dinesh Kumar@Ravi Kumar Rajak, D/o Pappu Rajak Resident of Purani Bazar Near Kali Mandir, PS & Distt Jamui.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. B.Ram(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have 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.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That it is also submitted that even the petitioner still ready to keep his wife with all dignity and honour.”

It appears from the impugned order dated 22.02.2016 that the petitioner was granted provisional but since the issue could not be resolved between the parties as they could not live together, hence, the learned court below cancel the bail bonds of the petitioner. Hence, in view of the ratio laid down in the case of Bishundeo Sahu Vs. State of Bihar, reported in 2011(1) PLJR, 731, this anticipatory bail application is not maintainable.

Since by virtue of execution of bail bonds the petitioner is in deemed custody of the court. Hence, 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 six weeks from today in connection with Complaint Case No. 1421(C) of 2014 pending in the court of learned Sub-divisional Judicial Magistrate, Jamui.

It is made clear that bail can only be

denied in case of misuse of privilege of bail.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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