

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24261 of 2016

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1. Dhananjay Kumar Sharma son of Suresh Sharma, Resident of village-Baraka Gaon, P.S.-Pakaridayal, District-Motihari, East Champaran. At present Address-House No. 683, Gyani Jail Singh Nagar, Ropad(Panjab).

.... Petitioner/s

Versus

1. The State of Bihar
2. Usha Singh wife of Dhananjay Kumar Sharma, Resident of village-Barakagaon, P.S.-Pakaridayal, District- East Champaran, Motihari. At present address D/O Yogendra Singh, Mohalla Srikrishnanagar, near Sapahi Devi, P.S.-Nagar Motihari, District -East Champaran, Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2016 The present application has been filed for modification of order dated 18.05.2015 passed in Cr. Misc. No. 17578 of 2015 to the extent of confirming the provisional bail granted to the petitioner in a case registered for the offences punishable under Sections 307, 328, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that the petitioner being the husband of the informant offered her milk mixed with poison, but she did not accept the same. It is further alleged that she was also subjected to torture for non-fulfillment of dowry demand.

On submission of learned counsel for the petitioner that petitioner is ready to keep the informant as wife with full



dignity and honour. Statement to that effect has been made in para-13 of the petition which reads as follows:-

“13. the petitioner is ready to keep the wife ...”

The petitioner was granted provisional bail for one year.

The court below was issued notice to opposite party no. 2 for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour. The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by the learned counsel for the petitioner that petitioner filed a petition on 16.05.2016 for confirming the provisional bail since he is not misusing the privilege of bail.

Keeping in view of the fact that the petitioner was granted provisional bail on the submission that he is ready to keep the informant as wife with full dignity and honour. There is nothing on record to show that petitioner has made any effort or made statement in petition dated 16.05.2016 before the learned court below that he is ready to keep the informant as wife with full dignity and honour. Moreover, the provisional bail got lapsed on 17.05.2016, whereas the modification application got



registered on 13.05.2016, this Court is not inclined to interfere.

However, keeping in view of the fact that the petitioner is still ready to resolve the issue, 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 Motihari Town P.S. Case No. 555 of 2014, pending in the court of learned Chief Judicial Magistrate, East Champaran, Motihari.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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