

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44034 of 2015

Arising Out of PS.Case No. -1581 Year- 2011 Thana -SARAN COMPLAINT CASE District-
SARAN

Binod Sah S/o Raj Kumar Sah At present resident at Darjeeling More near
Sailun Dukan P.S. Pradhan Nagar, Silliguri, District- Darjeeling (W.B)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Renu Devi W/o Binod Sah, D/o Sukhlal Sah resident at Darjeeling More near Sailun Dukan P.S. Pradhan Nagar, Silliguri, District- Darjeeling (W.B). At present residing with her father R/o at village Charihara, PS Masharak, Distt- Saran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kapil Deo Singh

For the Opposite Party/s : Mr. Indu Bala Pandey(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-05-2016

Heard learned counsels for the petitioner
and the State.

The petitioner being the husband of the complainant has renewed his prayer for anticipatory bail 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.

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

It appears that the petitioner was granted



provisional anticipatory bail vide order dated 03.10.2013 vide Cr. Misc. No. 26941 of 2013 on the readiness of the petitioner that he is ready to keep the complainant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities; if the matrimonial harmony is substantially restored or if the complainant fails to appear before the learned court below or if the complainant is reluctant to reconcile the issue.

It is submitted by learned counsel for that since the marriage was dissolved in pursuance to the passed in Matrimonial Suit No. 209(9) of 2012 the petitioner could not surrender and execute bail bond, hence, the present anticipatory bail application.

In view of the fact that the petitioner was earlier granted provisional anticipatory bail and failed to execute bail bond, the present anticipatory bail application is not maintainable.

Let the learned court below consider the prayer for regular bail of the petitioner keeping in view of the submission of the learned counsel for the petitioner that the marriage between the parties has already been dissolved, if the petitioner surrenders before the learned court below within a

period of six weeks from today in connection with Complaint
Case No. 1581 of 2011 pending in the court of learned Sub-
divisional Judicial Magistrate, Saran at Chapra.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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