

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13917 of 2016

Arising Out of PS.Case No. -39 Year- 2012 Thana -PIRBAHOR District- PATNA

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Md. Gayasuddin, son of Late Abdul Jalil, resident of Village-Singhara, P.S.-
Maner, District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-03-2016

The petitioner being brother of the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that thrust of accusation is against the husband of the informant.

It appears that though the petitioner was granted anticipatory bail by learned Sessions Judge, Patna vide order dated 05.05.2012 passed in A.B.P. No. 1611 of 2012, but since the order was not communicated to the petitioner, hence the petitioner could not surrender and furnish the bail bonds. Subsequently an application was filed for modification of the order dated 05.05.2012 which was rejected by learned Sessions

Judge, Patna vide order dated 26.04.2013. Thereafter the present anticipatory bail application has been preferred after about three years on 29.03.2016.

In the circumstance, this Court is not inclined to interfere. However, since the petitioner was granted anticipatory bail on merits, it is a case for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Pirbahore P.S. Case No. 39 of 2012, pending in the Court of learned Chief Judicial Magistrate, Patna.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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