

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56737 of 2015

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1. Sanjeet Kumar, son of Shyam Nath Mahto, resident of Sidhnath Chowk,
P.S. Sonapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Renu Devi, Wife of Sanjeet Kumar D/o Sukhdeo Mahto at present
resident of village- Shivna, P.S. Mohiddin Nagar, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shatrughan Pandey

For the Opposite Party/s : Mr. Rajendra Singh Shastri Jee (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 12-04-2017

Heard learned counsels for the parties.

The present application has been filed for modification of order dated 27.8.2015 passed in Cr. Misc. No. 39374 of 2015 to the extent of extending the period of surrender and the provisional bail granted to the petitioner.

The petitioner being husband of the complainant preferred Criminal Miscellaneous No. 39374 of 2015 with a prayer for anticipatory bail in connection with a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323,498A and 504 IPC and sections 3 and 4 of Dowry Prohibition Act and was granted provisional anticipatory bail for one year vide order



dated 27.8.2015 passed in Cr. Misc. No. 39374 of 2015 on the submission that the petitioner is ready to keep the complainant as wife with full dignity and honour. It was further submitted that the petitioner filed Matrimonial Suit No. 73 of 2014 for restitution of conjugal life and both sides agreed to appear before the learned court below on 5th October, 2015. The provisional anticipatory bail was to be confirmed by the learned court below in three eventualities – (i) on substantial restoration of the matrimonial harmony within a period of one year (ii) if the complainant fails to appear before learned court below and (iii) if the complainant is reluctant to reconcile the issue.

Learned counsel for the petitioner submits that the petitioner is still ready to keep the complainant as wife with full dignity and honour but he could not appear before the learned court below since he resides outside the State for earning his livelihood.

Learned counsel for the complainant submits that the complainant is still ready to resume the conjugal life though as per latest instruction, the petitioner has performed second marriage. However, learned counsel for the petitioner denies the factum of second marriage by the petitioner. It is further submitted by learned counsel for the petitioner that bail bond of the petitioner



has not been cancelled, though statements to that effect have not been made in the petition.

In the circumstances, the period of surrender as well as the provisional anticipatory bail granted to the petitioner vide order dated 27.8.2015 passed in Cr. Misc. No. 39374 of 2015 is extended till 30th May, 2017. Both sides agree to appear before the learned court below on 19th April, 2017 when the petitioner will take the complainant and keep her as wife with dignity and honour.

The provisional bail will be confirmed by the learned court on restoration of matrimonial harmony by 30th May, 2017 or if the complainant fails to appear before the learned court below or if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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