

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37545 of 2017

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Dilip Kumar Singh @ Dilip Singh S/o Shadanand Singh resident of village - Mahuari, P.S. - Akhorhi Gola, District - Rohtas, presently residing at village - Dablur Badan, Quarter no. 6, P.S. Pandeshwar, District - Bardhwan (W. Bengal).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kanchan Devi D/o Satyendra Singh resident of village - Kotwara, P.S. Rafiganj, District - Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-08-2017

The present application has been filed for modification of order dated 23.06.2015 passed in Cr. Misc. No. 20952 of 2015 to the extent of confirming the provisional anticipatory bail of the petitioner.

The petitioner being the husband of the complainant was granted provisional anticipatory bail for one year in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 379, 323, 324, 498A of the Indian Penal Code and sections 3/4 of Dowry Prohibition Act. The provisional anticipatory bail was granted to the petitioner on submission of learned counsel for the petitioner that the petitioner is ready to



keep the complainant as wife with dignity and honour. The offer was accepted by the complainant and both sides undertook to appear before the learned Court below on 28th of July, 2015, when the petitioner was to take the complainant to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that the petitioner made all efforts to reconcile the issue but due to the apathetic attitude of the complainant, the issue could not be reconciled.

Considering the fact that the period of provisional anticipatory bail got lapsed on 22.06.2016, while the present modification application got registered on 07.08.2017 coupled with the fact that the bail bond of the petitioner has been cancelled and non-bailable warrant of arrest has been issued vide order dated 06.04.2017, as contained in Annexure-5, this Court is not inclined to modify the earlier order. However, keeping in view the nature of accusation, it is a case for consideration of prayer for bail, if the petitioner surrenders before the learned Court below



within a period of six weeks from today in connection with Complaint Case No. 1139 of 2013, Trial No. 1153 of 2017, pending in the court of learned Sub-divisional Judicial Magistrate, Aurangabad.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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