

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12009 of 2017**

Arising Out of PS.Case No. -2116 Year- 2010 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Sanjeev Kumar Singh @ Sanjeev Kumar son of Bijendra Singh @  
Bijju Singh, resident of Village- Mora Talab, P.S.-Rahui, District-  
Nalanda.

.... .... Petitioner

Versus

1. State of Bihar
2. Roopa Singh wife of Sanjeev Kumar Singh @ Sanjeev Kumar,  
Daughter of Kanhaiya Singh at present residing at Mohalla-  
Saristabad Rajputana, P.S.- Gardanibagh, Patna-1, District-Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      15-03-2017      The present application has been filed for  
modification of the order dated 04.05.2015 passed in Cr. Misc.  
No. 15743 of 2015 to the extent of confirmation of provisional  
bail granted to the petitioner.

The petitioner being the husband of the complainant  
was granted provisional anticipatory bail in a complaint case  
wherein process was directed to be issued after cognizance being  
taken for the offences punishable under Sections 498A, 307, 323,  
324, 406 and 379 of the IPC and 3/4 of the Dowry Prohibition Act.  
The petitioner was granted provisional anticipatory bail for one  
year on his readiness to keep the complainant as wife with full  
dignity and honour. The provisional bail of the petitioner was to  
be confirmed by the learned court below in three eventualities, (i)



if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned Senor Counsel for the petitioner that the petitioner took the complainant to matrimonial house but the parents of the complainant took her back to their house. The petitioner filed an application for confirmation of the provisional bail before the learned court below on 13.05.2016 on the ground that the matrimonial harmony could not be restored due to reluctance of the complainant which was one of the ground in the order dated 04.05.2015 for confirmation of provisional bail, but prayer for confirmation of provisional bail of the petitioner was rejected by the learned SDJM, Patna vide order dated 27.01.2017 on the ground that the period of provisional bail got lapsed. It is further submitted that the petitioner has undergone a major heap surgery and hence in the circumstances, he deserves sympathetic consideration for confirmation of provisional anticipatory bail.

Considering the fact that period of provisional bail got lapsed on 03.05.2016 whereas the present modification application got registered on 08.03.2017, this Court is no inclined to interfere. However, keeping in view of the fact that the



petitioner has remained on anticipatory bail for such a long period and has undergone a major hep surgery, it is a case for consideration of bail by the learned court below if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 2116C of 2010 pending in the court of learned SDJM, Patna.

It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, the present modification application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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