

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11544 of 2017

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Krishna Sahu, son of Chandradeo Sahu, Resident of Village- Auliyabad,
P.O.- Jhandapur, Police Station- Bihpur, Naugachhia, District- Bhagalpur.
Presently R/o Village- Kadma, P.O.- Hirambi, Police Station- Khairaiya,
District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gayatri Kumari, wife of Krishna Sahu, daughter of Shrawan Kumar Swarnkar, resident of Village- Gaura Sakti, Police Station- Khagaria (Mufassil), District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 15-03-2017

The present application has been filed for modification of order dated 04.02.2016 passed in Cr. Misc. No. 5867 of 2016 for extending the period of provisional anticipatory bail.

The petitioner being the husband of the complainant was granted provisional anticipatory bail for one year in a complaint case wherein process has 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 the Dowry Prohibition Act.

On the submission of learned counsel for the



petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner is husband and ready to keep the complainant with full dignity and quite peacefully.”

The petitioner was granted provisional anticipatory bail for one year. The learned court below was directed to issue notice to the complainant for her appearance and on her appearance, the petitioner will 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) if the matrimonial harmony is substantially restored or (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 counsel for the petitioner that the issue could not reconcile since the complainant has apprehension that the petitioner has performed second marriage and this fact gets reflected from the order dated 02.01.2017 passed by the learned court below. Statement has been made in paragraph 8 of the petition that the petitioner is



still ready to keep the complainant as wife with full dignity but no denial has been made with regard to performing second marriage. However, it is orally submitted that the petitioner has not performed second marriage.

In view of the above facts, this Court is not inclined to interfere. However, if the petitioner files an affidavit before the learned court below that he has not performed second marriage the learned court below will issue notice to the complainant and on appearance of the complainant make effort to get the issue reconciled. On substantial restoration of matrimonial harmony the learned court below will confirm the provisional bail otherwise petitioner will surrender and pray for regular bail. It is further submitted that the bail bond of the petitioner has not been cancelled.

In the circumstances, the period of provisional anticipatory bail is extended till 30th of April, 2017 in connection with Complaint Case No. 843C of 2012 pending in the court of learned SDJM, Khagaria.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

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