

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18998 of 2017

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Kanchan Kumar Pandit, Son of Bikram Pandit, Resident of Village-Basmatta, P.S. Belhar, District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Tulika Devi, Wife of Sadanand Pandit, Resident of Village-Tengara, P.S. Belhar, District-Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.
For the Opposite Party/s : Mr. Sri Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-08-2017 Heard learned Counsels for the petitioner,

complainant and State.

The present application has been filed for modification of the order dated 09.08.2016, passed in Criminal Miscellaneous No.32269 of 2016 to the extent of extending the period of provisional anticipatory bail.

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

The petitioner being, the husband of complainant, was granted provisional anticipatory bail for six months, in



connection with Complaint Case No.1507/2015, pending before the learned SDJM, Banka, on submission and statement made at paragraph no.8 of the main petition that the petitioner is ready to keep the complainant as wife with full dignity and honour.

Paragraph no.8 reads as under :-

“That the petitioner happens to be husband of complainant and is ready to keep the complainant with full dignity and honour provided the complainant is willing to live with the petitioner.”

The learned Court below was directed to issue notice to the complainant for her appearance and on her appearance, the petitioner was supposed to take the complainant to her matrimonial house to keep her as wife with full dignity and honour. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored (ii) or if the complainant fails to appear before the learned Court below (iii) or if the complainant gets reluctant to reconcile the issue.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner made an attempt to get the issue reconciled, but it could not be reconciled due to the



apathetic attitude of the complainant. However, the petitioner is still ready to keep the complainant with full honour and dignity.

It is submitted by learned Counsel appearing on behalf of the complainant that the petitioner never intended to keep the complainant as wife with dignity and honour.

However, it is jointly submitted that the parties are still ready to reconcile the issue.

In the circumstances, both sides agree to appear before the learned Court below on 29th of August, 2017 when the learned court below will pass appropriate order for release of the petitioner provisionally for a month and make attempt to get the issue reconciled in accordance with law.

Since the petitioner's provisional bail got lapsed on 08.02.2017, whereas, the present modification application was filed on 17.04.2017 for modification of the order dated 09.08.2016, and consequently, after lapse of period of provisional bail, non-bailable warrant of arrest has been issued against the petitioner, the present modification application is not maintainable.

Accordingly, the modification application is disposed of.



However, in view of the present stand of the petitioner that he is still ready to keep the complainant as wife with full dignity and honour, let the learned Court below try to get the issue resolved during mediation either in terms of resumption of conjugal life or to settle the issue in terms of parting ways on payment of one time settlement amount.

(Dinesh Kumar Singh, J)

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