

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20076 of 2017

In
Criminal Miscellaneous No.33359 of 2015

Arising Out of PS. Case No.- Year- Thana- District- Patna

=====

Mukesh Kumar @ Mukesh Kumar Sharma @ Mukesh Sharma, S/o Sri Yugal Kishore Sharma, Residence of Mohalla- Gunatu, P.O.- Gunatu, Via- Shor Badi, P.S.- Loshan, District- Siker, Rajasthan, Pin Code- 332028.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Bibha Rani, W/o Sri Gopal Lal, R/o Natraj Gali, Bakarganj Bajaja, infront of Ram Chandra Bhawan, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Uday Shankar Choudhary
For the Opposite Party/s :	Mr. Uma Shankar Pd. Singh
	Mr. Nirmal Kr. Tripathi

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-11-2017 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 7.9.2015 passed in Cr. Misc. No. 33359 of 2015.

The petitioner being the husband of the daughter of the complainant was granted provisional anticipatory bail for one year in connection with a complaint case wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and sections 3 and 4 of Dowry Prohibition Act on the submission and statement that the petitioner was ready to keep the daughter of the complainant as wife with dignity and honour and statement



to that effect has been made in paragraph 11 of the petition.

The provisional anticipatory bail of the petitioner 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, or (ii) if the daughter of the complainant fails to appear before learned court below or (iii) if the daughter of the complainant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner by drawing attention of this court to the order dated 21.6.2016 passed by the learned court below that the daughter of the complainant admitted that she was residing with the petitioner and she prayed for some more time to reconcile the issue. The daughter of the complainant was residing with the petitioner gets further reflected from the fact that she gave birth to a male child on 23.1.2017 at Seekar, Rajasthan, the place of work of the petitioner and a birth certificate has been issued by the Registrar, Nagar Parishad, Seekar, as contained in Annexure 2 to this application. However, learned counsel for the complainant drew my attention to the order dated 31.5.2017 passed by the learned court below which reflects that the period of provision anticipatory bail of the petitioner lapsed on 30.9.2016, hence the learned court below directed for issuance of non bailable



warrant of arrest against the petitioner.

In the circumstances, this Court is not inclined to consider the prayer of the petitioner for modification of the order dated 7.9.2015. However, keeping in view the fact that in pursuance to the order of this court the issue was reconciled and the daughter of the complainant gave birth to a male child on 23.1.2017 whereas the order of the learned court below directing for issuance of non bailable warrant against the petitioner was passed on 30.5.2017, it is a case for consideration of the prayer for regular bail of the petitioner. It is expected from the learned court below to dispose of the application preferably on the same day, in case he surrenders before the learned court below within six weeks in connection with Complaint Case No. 27339 C of 2014 pending in the court of the learned SDJM, Patna.

This application stands disposed of.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

