

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11299 of 2017

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Mukta Nath

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahmood Alam

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-06-2017 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

The present application has been filed for modification of the order dated 30/06/2015 passed in Criminal Miscellaneous No.24992 of 2015.

The petitioner being the husband of informant was granted provisional anticipatory bail for one year, in connection with Phulwarisharif P.S. Case No.599 of 2014, pending before the learned Judicial Magistrate, 1st Class, Patna, for the offences punishable under sections 323, 341, 504, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, on submission that the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.11 of the main petition :-

“That the petitioner humbly undertakes to



keep the informant and minor baby 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 informant fails to appear before the learned Court below (iii) or if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuance to order of this Court, the petitioner took the informant to keep her as wife with full dignity and honour. The informant lived with the petitioner for four months, but thereafter she demanded Rupees Twenty Thousand from the petitioner and when the petitioner expressed his inability to pay the aforesaid amount, the informant created ruckus in the office of the petitioner. The petitioner is still ready to keep the informant as wife with full dignity and honour.

It is submitted by learned counsel for the State that at the fag end when the period of provisional anticipatory bail was going to expire the petitioner took the informant to his house and kept her there for a month, where she was subjected to torture. As a result, the informant left the house of the petitioner.



However, she is still ready to reconcile the issue. The bail bond of the petitioner has already been cancelled and warrant of arrest has been issued by the learned Court below.

Considering the rival submission of the parties, this Court is not inclined to modify the earlier order dated 30/06/2015 in view of the fact that provisional anticipatory bail got lapsed on 29.06.2016 and the present modification application has been registered on 06/03/2017. However, keeping in view the fact that both sides are still ready to reconcile the issue, let the learned Court below consider the prayer for bail of the petitioner enabling him to make an effort to reconcile the issue, if he surrenders before the learned Court below within a period of six weeks.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

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