

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32573 of 2017

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Raja Husain @ Bhutto Alam S/o Nathu Miyan R/o Village-Pokharbhinda,
P.s.-Kuchaikot Dist.-Gopalganj,

.... Petitioner/s

Versus

1. The State of Bihar
2. Harun Khatoon, D/o-Taj Hussain, R/o-Vill. Ganga hatta, P.S.-Jamo Bazar, Dist.-Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the State : Mr. Sri Indra Kumar Singh, APP
For O.P. No.2 : Mr. Rajendra Kumar Jain, Advcoate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 11-10-2017

Heard learned counsels for the petitioner, State

and the informant-opposite party no. 2.

The present application has been filed for modification of order dated 02.08.2016 passed in Cr. Misc. No. 454 of 2016 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The petitioner being the husband of the informant was granted provisional anticipatory bail for one year in a case registered for the offences punishable under Sections 323, 379, 406, 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act. A statement was made in paragraph 6 of the main petition to the effect that the petitioner is ready to keep



the informant as wife with full dignity and honour and the offer was accepted by the informant when both sides agreed to appear before the learned Court below on 12th of August, 2016 when the petitioner was supposed to take the informant to her matrimonial house to keep her as wife with full dignity and honour. The provisional anticipatory bail 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 informant fails to appear before the learned Court below or (iii) if the informant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuance to this Court's order the petitioner took the informant to her matrimonial house, but she left the house with his brother on 26.02.2017 without intimating the petitioner and an Informatory Petition No. 51/2017 dated 03.03.2017 has been filed by the petitioner, as contained in Annexure-B. Consequently on 27.02.2017 the brother of the informant filed a petition before the learned Court below alleging about kidnapping of the informant and the petitioner has also filed petition before the learned Court below on 30.03.2017, as contained in Annexure-C, that the informant is traceless from the house, whereas on 30.03.2017 itself the informant filed a petition before the learned



Court below stating therein that she went to her parents' house. It is further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour.

It is submitted by learned counsel for the informant-opposite party no. 2 that the informant was taken to her matrimonial house by the petitioner but after some time the petitioner started torturing the informant.

Keeping in view the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 01.08.2017, this Court is not inclined to revise the earlier order. However, keeping in view the nature of accusation and the stand taken by the petitioner that he is still ready to keep the informant as wife with full dignity and honour, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Kuchaikot P.S. Case No. 209 of 2015, pending in the Court of learned CJM, Gopalganj.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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