

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37923 of 2017

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Pramod Mandal, S/o Late Jagdish Mandal, R/o Dharhara, P.S. Banmanakhi
District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ranju Devi, W/o Pramod Kumar Mandal, R/o Dharhara, P.S. Banmanakhi, District Purnea, Currently resideint at D/o Ramdeo Prsad Mandal D/o Pakariya, P.S.- Udakishungaj, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-09-2017

Heard Mr. Patanjali Rishi, learned counsel for

the petitioner, Mr. Anand Kumar, learned counsel for opposite party no. 2 and Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for modification of order dated 25.04.2016 passed in Cr Misc. No. 17803 of 2016 to the extent of confirming provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the complainant, was granted provisional anticipatory bail for one year vide order dated 25.04.2016 passed in Cr. Misc. No. 17803 of 2016 in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code, on the submission and statement made in paragraph 16 of the main petition that he is



ready to keep the complainant as wife with full dignity and honour and has filed Matrimonial Suit No. 38 of 2014 for restitution of conjugal rights.

The learned Court below was supposed to issue notice to the complainant 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 bail of the petitioner 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 deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled between the parties due to the apathetic attitude of the complainant. The petitioner has not performed second marriage, though, it is alleged by the complainant that the petitioner has performed second marriage.

It is submitted by learned counsel for the complainant that the complainant has performed second marriage and the petitioner never took her to his place of work rather tortured her and ultimately she was rescued from the police by her



father.

In view of the above stand of the parties, it appears that the reconciliation between the parties is not feasible at present.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 24.04.2017, whereas the present modification application has been registered on 08.08.2017, this Court is not inclined to modify the earlier order. However, keeping in view the nature of accusation and the fact that in spite of sincere effort the issue could not be reconciled, 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 Complaint Case No. 1225 of 2013, pending in the court of learned SDJM, Udakishunganj, Madhepura. It is expected from the learned Court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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