

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56973 of 2017

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

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Bharat Bhushan Prasad

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. SMT. NIRMALA KUMARI

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-11-2017 Heard learned counsels for the parties.

The present application has been filed for modification of order dated 25.4.2016 passed in Cr. Misc. No. 17595 of 2016 to the extent of confirming the provisional anticipatory bail for one year.

The petitioner being the husband of the complainant was granted provisional anticipatory bail for one year in a complaint case, wherein process was directed to be issued after cognizance being taken for the offences punishable under sections 417, 419 and 498A of the IPC and Section 4 of the Dowry Prohibition Act, on the admission of the petitioner of his marriage with the complainant and birth of two children and statement being made in paragraph 9 of the main petition that the petitioner is ready to keep the complainant as wife with full



dignity and honour.

Learned court below was supposed to issue notice to the informant. The provisional bail of the petitioner was to be confirmed 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 gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the order dated 22.5.2017 passed by the learned court below in Complaint Case No. 2944 of 2013, reflects that it is the complainant who declined to resume the conjugal life. Further, the order dated 9.6.2017 reflects that an application for confirmation of the provisional anticipatory bail was filed.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 24.4.2017 whereas the present application has been filed on 22.11.2017, this Court is not inclined to interfere. However, keeping in view the nature of accusation and the fact that the issue could not be reconciled since the complainant declined to resume the conjugal life, learned court below is expected to consider the prayer of the petitioner for regular bail in case the petitioner surrenders within six weeks in connection with Complaint Case



No. 2944 of 2013 pending in the court of the learned SDJM,
East, Muzaffarpur.

With the aforementioned observation/direction, this
application is disposed of.

(Dinesh Kumar Singh, J)

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