

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14843 of 2017

Arising Out of PS.Case No. -82 Year- 2015 Thana -MAHILA PS District- JEHANABAD

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Bipul Kumar, Son of Vijay Sharma, Resident of Village- Okri, Post Office-
Jaitpur, P.S.- Okri, Distict- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shashi Kala @ Dezy Kumari, Daughter of Prahlad Sharma, Resident of
Village- Bhandsara, Post Office- Bhandsara, P.S.- Kali, District-
Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 06-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner, being the husband of the complainant, has renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 498A and 494/34 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

The petitioner was granted provisional anticipatory bail for six months vide order dated 02.08.2016 passed in Cr. Misc. No. 12149 of 2016 on the submission and



statement made in paragraph 12 of the main petition that the petitioner is ready to keep the informant as wife with full dignity and honour and submission of the learned counsel for the informant that in spite of the fact that the petitioner has performed second marriage the informant is ready to resume the conjugal life as she is staying in the matrimonial house. 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 supposed to be confirmed by the learned Court below on substantial restoration of matrimonial harmony or if the informant fails to appear before the learned Court below or if the informant is reluctant to reconcile the issue with further stipulation that the provisional bail of the petitioner will not be confirmed if the informant complains that she is not being maintained properly by the petitioner.

It is submitted by learned counsel for the informant-opposite party no. 2 that the order dated 22.02.2017 passed by learned SDJM, Jehanabad reflects that torture was again inflicted upon the informant-opposite party no. 2 and on the complaint of the informant, the learned Court below declined to confirm the provisional bail of the petitioner.



Considering the fact that the petitioner was granted provisional anticipatory bail vide order dated 02.08.2016 for six months, which expired on 01.02.2017, whereas the present second anticipatory bail application was registered on 27.03.2017, this Court is not inclined to entertain second anticipatory bail application. However, keeping in view the nature of accusation, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Jehanabad (Mahila) P.S. Case No. 82 of 2015, pending in the Court of learned Sub-divisional Judicial Magistrate, Jehanabad.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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