

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56075 of 2017

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Shambhu Kumar Sha @ Shambhu Kr. Sahu S/o Ishwar Sah, R/o Village-
Bhagwanpur, P.S.- Raj Nagar, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 22-11-2017

Heard learned counsel for the petitioner and the

learned APP for the State.

The present application has been filed for modification of order dated 21.09.2015 passed in Cr. Misc. No. 44845 of 2015 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the informant, preferred anticipatory bail application vide Cr. Misc. No. 44845 of 2015 in a case registered for the offences punishable under Sections 341, 342, 323, 498A, 504, 506/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.



It was submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the main petition, which reads as follows:-

“That in spite of all happening the petitioner is still ready to keep the informant.”

Considering the stand of the petitioner, petitioner was granted provisional anticipatory bail for one year. The provisional 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 gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the provisional bail was extended by the learned Court below initially when the informant was not appearing, but ultimately she appeared and prayed for cancellation of the bail bonds of the petitioner. In the circumstances, the learned Court below directed the petitioner to get the period of provisional bail extended. Hence, it is submitted that the issue could not be reconciled due to the laches on the part of the informant and



accordingly, prayer has been made to confirm the provisional bail granted to the petitioner.

Considering the fact that the period of provisional bail got lapsed on 20.09.2016 whereas the present modification application has been filed on 17.11.2017, this Court is not inclined to interfere. However, keeping in view the fact that the petitioner has enjoyed the privilege of anticipatory bail for considerable period and is still ready to keep the informant with dignity and honour, 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 from today in connection with Rajnagar P.S. Case No. 78 of 2015, pending in the Court of learned Judicial Magistrate, Ist Class, Madhubani.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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