

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53817 of 2016

Arising Out of PS. Case No.-277 Year-2015 Thana- PHULWARI District- Patna

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Vikash Kumar @ Deepu Kumar, aged about 26 years, Son of Lalan Prasad,
Resident of Village Dallu Chak, P.S. Khagaul, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Kumari, Wife of Vikash Kumar, daughter of Sri Sailendra Kumar Verma, Resident of Village Brahampur, P.O. and P.S. Phulwarisharif, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-11-2017 Heard learned Counsels for the petitioner, informant and
learned APP for the State.

The petitioner has renewed the prayer for bail in connection with a case registered for the offence punishable under Section 498A of the I.P.C. The petitioner being the husband of the informant was granted provisional anticipatory bail for one year, on submission and a statement made in paragraph no.8 of the main petition that the petitioner is ready to keep the informant as wife with full dignity and honour. The learned Court below was directed to issue notice to the informant to appear before the Court below and on appearance of the informant, the petitioner was supposed to take her and



keep her as wife with full dignity and honour. The provisional anticipatory bail of petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored, (ii) or, if the informant fails to appear before the learned Court below, (iii) or, if the informant gets reluctant to reconcile the issue.

The provisional anticipatory bail of the petitioner got lapsed on 18.08.2015, whereas, the present bail application has been filed on 13.12.2016.

Learned Counsel appearing on behalf of the petitioner has brought the attention of this Court to the order passed by the learned SDJM, Patna, wherein, it has been recorded that the informant was not ready to go to the matrimonial house as she alleged that the petitioner used to assault her.

Considering the fact that the second anticipatory bail application has been filed much after the expiry of period of one year of provisional anticipatory bail, this Court is not inclined to consider anticipatory bail application of the petitioner. However, considering the nature of accusation and the fact that the informant is not ready to reconcile the issue, it is a case for consideration of regular bail by the learned Court below, if the petitioner surrenders within a period of six weeks



in connection with Phulwari Sharif P.S. Case No.277 of 2015,
pending before the learned SDJM, Patna.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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