

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28891 of 2017

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

Prashan Kumar Sah

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. SRI TAPESHWAR SHARMA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-09-2017 This matter is being taken up out of turn on the request of learned counsel for the petitioner through mentioning slip.

Heard learned counsels for the petitioner and learned APP the State.

In paragraph 1 of the order dated 31.8.2015 passed in Cr. Misc. No. 40630 of 2015, the words ‘daughter of the husband of the informant’ be read as ‘husband of the daughter of the informant’.

The order dated 31.8.2015 passed in Cr. Misc. No. 40630 of 2015 stands modified to the extent indicated above.

The petitioner being the husband of the daughter of the informant-Opposite Party No. 2 has preferred the present application for modification of the order dated 31.8.2015 passed in Cr. Misc. No. 40630 of 2015 to the extent of confirming the



provisional bail or extending the period of provisional bail granted to the petitioner.

The petitioner was granted provisional anticipatory bail for one year in a case registered for the offences punishable under Sections 341,323,504 and 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act on the submission and statement made in paragraph 6 of the petition that the petitioner is ready to keep the daughter of the informant with full dignity and honour. The learned Court below was supposed to issue notice to the daughter of the informant and the petitioner was supposed to take the daughter of the informant 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 daughter of the informant fails to appear before the learned court below or (iii) if the daughter of the informant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled since the daughter of the informant never made any effort to reconcile the issue.

It appears that the provisional bail of the petitioner got lapsed on 30.8.2016, whereas the present modification



application has been registered on 23.6.2017. There is nothing on record to suggest that the bail bonds of the petitioner has not been cancelled. Hence, this court is not inclined to revise the earlier order.

However, keeping in view the nature of accusation and the fact that the petitioner was granted provisional anticipatory bail on merits and he remained on provisional bail for a considerable period, it is a case for consideration of regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Tajpur P.S. Case No. 390 of 2014 pending in the court of the learned CJM, Samastipur.

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

(Dinesh Kumar Singh, J)

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