

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13042 of 2017

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Upendra Pandey, Son of Hanuman Pandey, Resident of Village-Bhankhanpur, P.S.-Mohania, District-Kaimur at Bhabua At Present resident of Village-Kudra, P.S.-Nuaon, District-Kaimur at Bhabua.

.... Petitioner

Versus

1. The State of Bihar

2. Khushbu Devi @ Rimpi, Wife of Upendra Pandey, Daughter of Jawahar Lal Ojha, Resident of Village-Bhankhanpur, P.S.-Mohania, District-Kaimur at Bhabua

3. Khushbu Devi @ Rimpi, Wife of Upendra Pandey, Daughter of Jawahar Lal Ojha, Resident of Village-Bhankhanpur, P.S.-Mohania, District-Kaimur at Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.

For the State : Sri Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-06-2017

Heard.

The present application has been filed for modification of the order dated 30/03/2016 passed in Criminal Miscellaneous No.13693 of 2016.

The petitioner being the husband of complainant was granted provisional anticipatory bail for one year, in connection with Complaint Case No.13693 of 2016, pending before the learned SDJM, Bhabua, wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 323, 341, 504, 498A, 406/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act,



on submission that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.4 of the main petition :-

“That, despite of paragraph no.8 of the main petition the petitioner is still ready to keep his wife with full honour and regard according to his capacity.”

The provisional anticipatory bail of the 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 complainant fails to appear before the learned Court below (iii) or if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuance to order dated 30/03/2016, the petitioner took the complainant to keep his wife with full dignity and honour, but it is the complainant who herself deserted the petitioner and lodged Mohania P.S. Case No.305 of 2016 with accusation under sections 341,323,498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, wherein the petitioner was taken in custody on 03/10/2016, but he was granted bail by a Co-ordinate



Bench of this Court vide order dated 20/12/2016, passed in Criminal Miscellaneous No.51826 of 2016.

Considering the rival submission of the parties, this Court is not inclined to modify the earlier order dated 30/03/2016 in view of the fact that provisional anticipatory bail got lapsed on 29.03.2017. However, in view of the fact that in the subsequent case being Mohania P.S. Case No.305 of 2016, the petitioner was accused with similar accusation and was granted bail, in view of this Court it is a case for consideration of bail, if the petitioner surrenders before the learned Court below within a period of six weeks.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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