

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23103 of 2017

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1. Santosh Kumar, Son of Anil Sah, Resident of Village- Chhota Tumaria (Nepali Station) Ward No. 05, Raxaul, P.S. Raxaul, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2017

Heard learned counsel for the parties.

The present application has been filed for modification of the order dated 14.1.2016 passed in Cr. Misc. No. 2065 of 2016 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The petitioner being the husband of the informant's daughter was granted provisional anticipatory bail for a period of one year vide order dated 14.1.2016 in a case registered for the offences punishable under sections 498A/34 of IPC and sections 3 and 4 of Dowry Prohibition Act on readiness of the petitioner that he is ready to keep the informant's daughter as wife with full dignity and honour and statement to that effect has been made in paragraph 3 of the petition coupled with the statement that the



petitioner filed Matrimonial Case No. 9 of 2015 and 92 of 2015 for restitution of conjugal rights. The provisional bail was to be confirmed by the learned court below in three eventualities, i.e., (i) on substantial restoration of the matrimonial harmony within a period of one year, 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.

Learned counsel for the petitioner submits that the learned court below was supposed to issue notice to the daughter of the informant for her appearance and on her appearance the petitioner was supposed to take her to matrimonial house, but never any notice was issued to the daughter of the informant.

The order sheet of the learned court below reflects that the petitioner never filed any application to take the daughter of the informant to her matrimonial house.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 13.1.2017 and the present modification application has been filed on 9.5.2017, this Court is not inclined to revise the earlier order. However, since the petitioner is ready to keep the informant's daughter as wife, let the learned court below consider the prayer for regular bail of the petitioner and if possible dispose of on the same day in case the



petitioner surrenders within six weeks from today in connection with
Raxaul P.S. Case No. 153 of 2015 pending in the court of learned
SDJM, Raxaul at Motihar, East Champaran.

This application is disposed of with the aforesaid
observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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