

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36898 of 2017

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Sheikh Abdul Sanobar, son of Late Abdul Zabbar, Resident of Village &
Post Office- Gajipur, Police Station- Tarapur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gulafsa Praveen, wife of Sheikh Abdul Sanobar, daughter of Md. Anwar, Resident of Village- Milki Mohalla- Khanpur, Gajipur, Police Station- Tarapur, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 23-08-2017

The matter has been taken up for hearing out of turn on the prayer of the learned counsel for the petitioner.

Heard learned counsel for the petitioner and the State.

The present application has been filed for modification of order dated 14.05.2015 passed in Cr. Misc. No. 21022 of 2015 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the informant, was granted provisional anticipatory bail for one year in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under



Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, on submission of the petitioner that he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the main petition. When the learned Court below was supposed to issue notice to the complainant for her appearance and on her appearance the petitioner was to take the complainant to keep her as wife with full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner made all efforts to reconcile the issue but due to the apathetic attitude of the complainant the issue could not be reconciled since the complainant failed to appear before the learned Court below. It is further submitted that the period of provisional anticipatory bail was extended by the learned Court below. The order of the learned Court below dated 16.01.2017 reflects that the complainant was directed to go with the petitioner to the matrimonial house but after taking adjournment she was not



appeared on the next date which suggests that the issue could not be reconciled due to the latches on the part of the complainant.

Considering the fact that the period of provisional anticipatory bail of the petitioner lapsed on 13.05.2016, whereas the present modification application got registered on 02.08.2017, this Court is not inclined to revise its earlier order. However, keeping in view the nature of accusation and the fact that the petitioner has remained on provisional bail for a considerable period, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Complaint Case No. 623C of 2013, pending in the Court of learned Chief Judicial Magistrate, Munger.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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