

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4670 of 2017

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Sumit Sourav, aged about 33 years, S/o late Subir Kumar Ghose, R/o flat no. 3 B, 3rd floor Rajanigandha Apartment, beside Mauchak Club, Raja Ram Ghat Road, Panihati, Police Station- Kahrdah, District- North 24 Pargana, Kolkata- 700114, West Bengal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Suprita Mitra, D/o Samir Kumar Mitra, W/o Sumit Sourav, R/o Mohalla- Chanmari, Behind Lal Bunglow, P.S.- Nagar Thana Motihari, Town- Motihari, District- East Champaran- 845401

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Rai

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 06-09-2017

Heard Mr. Bidhyachal Rai, learned counsel

for the petitioner and Mr. Abhishek Kumar, learned counsel for informant-opposite party no. 2.

The present application has been filed for modification of order dated 09.02.2016 passed in Cr. Misc. No. 49823 of 2015 to the extent of extending the period of provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the informant, was granted provisional anticipatory bail for seven months vide order dated 09.02.2016 passed in Cr. Misc. No. 49823 of 2015.



The basic accusation is of torture for non-fulfillment of the dowry demand.

The matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority on the joint prayer of the parties vide order dated 29.10.2015. The report of the Mediator dated 21.01.2016 reflects that the issue has been resolved between the parties and both sides have decided to reside at Kolkata when the informant will shift to Kolkata after getting her services transferred as she is employed in a Bank.

The provisional bail was to be confirmed by the learned Court below if both sides will comply the terms of the agreement as incorporated in the report of the Mediator dated 21.01.2016.

It is submitted by learned counsel for the petitioner that the petitioner and the informant are residing together and after the issue being reconciled they are blessed with a child also. This contention of the counsel for the petitioner has not been controverted by the learned counsel for the informant. Both sides jointly submit that the bail bond of the petitioner has not been cancelled and still the petitioner is enjoying the privilege of anticipatory bail.

In the circumstances, the period of provisional



anticipatory bail is extended till 13th of November, 2017 in connection with Motihari Town P.S. Case No. 356 of 2015, pending in the Court of learned Chief Judicial Magistrate, East Champaran at Motihari.

In the meantime, the petitioner and the informant will appear before the learned Court below and file an affidavit to the effect that they are residing together. On filing of such affidavit the provisional anticipatory bail of the petitioner will be confirmed by the learned Court below.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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