

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36890 of 2017

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

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Shatish Kumar @ Satish Kumar @ Suman Ranjan, Son of Sri Prayag Yadav,
Resident of Village- Punther, Police Station- Narhat, District- Nawada.

... .. Petitioner

Versus

1. The State of Bihar.
2. Bablee Devi wife of Shatish Kumar @ Satish Kumar @ Suman Ranjan,
Resident of Village- Punther, Police Station- Narhat, District- Nawada. At
present D/o Sakaldeo Prasad, Resident of Village- Faldoo, Police Station-
Nardiganj, District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr. AHTASH ALI KHAN

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-11-2017 Heard Mr. Vibhuti Ranjan Sonvadra, learned counsel for
the petitioner and Mr. J.N. Thakur, learned APP.

The petitioner being the husband of the informant has filed
the present application for modification of the order dated
11.03.2015, passed in Cr. Misc. No. 9835 of 2015, to the extent
of confirming provisional anticipatory bail.

The petitioner being the husband of the informant was
granted provisional anticipatory bail for one year in a case
registered for the offences punishable under Sections 323 and
498A of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the



dowry demand.

On submission of learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail for one year vide order dated 11.03.2015, passed in Cr. Misc. No. 9835 of 2015, when the learned Court below was supposed to issue notice to the informant and on her appearance the petitioner was to take the informant to her matrimonial house 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 if the matrimonial harmony is substantially restored or if the informant fails to appear before the learned court below or if the informant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that though, the petitioner took sincere efforts to reconcile the issue and took the informant to matrimonial house twice, but all the time, the informant deserted the petitioner. Hence, the learned Court below ought to have confirmed the provisional bail of the petitioner, but the provisional bail of the petitioner has not been confirmed. Hence, the present modification application.

Keeping in view the fact that the provisional bail of the



petitioner got lapsed on 10.03.2016, whereas the present modification application got registered on 02.08.2017, this Court is not inclined to interfere and modify the earlier order.

However, in view of the fact that the learned counsel for the petitioner took me to various orders passed by the learned Court below which suggest that the petitioner sincerely made an effort to reconcile the issue and while doing so, the petitioner took the informant to her matrimonial house twice, it is a case for consideration of prayer for bail if the petitioner surrenders within a period of six weeks in connection with Nardiganj P.S. Case No. 126 of 2014, pending in the court of learned ACJM-VI, Nawada.

Accordingly, the present modification application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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