

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36132 of 2017**

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Dhananjay Kumar, son of Sri Devendra Kumar Singh @ Devi Singh,  
Resident of Village - Sheikhpurwa, P.S. - M.H. Nagar Hasanpura, District -  
Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Archana Kumari, Wife of Dhananjay Kumar, Daughter of Shatrudhan Ojha (Advocate) at present resident of Siwan Nai Basti Mahadeva, P.S.- Siwan Muffasil (Mahadeva O.P.), District- Siwan.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uma Shankar Prasad Singh

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

02/ 09-08-2017

Heard learned counsel for the petitioner and

Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for modification of order dated 13.07.2015 passed in Cr. Misc. No. 25389 of 2015 to the extent of confirming the 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, 406, 498A, 494 and 120B of the Indian Penal Code. The provisional anticipatory bail was granted to the petitioner on submission of learned counsel for the petitioner that the petitioner



is ready to keep the informant as wife with dignity and honour. The offer was accepted by the informant and both sides undertook to appear before the learned court below on 3<sup>rd</sup> of August, 2015 when the petitioner was to take the informant to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities:- (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant 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 informant the issue could not be reconciled and the bail bond of the petitioner has been cancelled by the learned court below vide order dated 21.04.2017, as contained in Annexure-1 series, and the non-bailable warrant of arrest has been issued. It is further submitted that the petitioner is making payment of maintenance amount of Rs.4,000/- per month to the complainant and is still ready to keep the informant as wife with full dignity and honour.

Considering the fact that the period of provisional anticipatory bail got lapsed on 12.07.2016, while the present modification application got registered on 31.07.2017



coupled with the fact that the bail bond of the petitioner has been cancelled and non-bailable warrant of arrest has been issued, this Court is not inclined to modify the earlier order. However, keeping in view of the fact that the petitioner is still ready to keep the informant as wife with full dignity and honour and also making payment of Rs.4,000/- per month as maintenance, it is a case for consideration of prayer for bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Siwan Muffasil P.S. Case No. 351 of 2014, Trial No. 3573 of 2017, pending in the court of learned Sub-divisional Judicial Magistrate, Siwan.

Accordingly, this modification application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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