

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33660 of 2016

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Guddu Mandal Son of Jagdish Mandal resident of Village- Harinaha, P.S.
Jadia, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/o Guddu Mandal D/o Kamleshwari Mandal R/o village –
Khuthar Rajai Tola Sunderpatti, Ward No. 5 P.S. Srinagar, District –
Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 15-03-2017

The present application has been filed for
modification of order dated 28.03.2016 passed in Cr. Misc. No.
50438 of 2015 to the extent of extending the period of surrender.

The petitioner being the husband of the
informant preferred Cr. Misc. No. 50438 of 2015 with a prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 341, 323, 498A, 494, 504, 506/34 of the Indian
Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-



fulfillment of the dowry demand and performing second marriage.

On the submission of learned counsel for the petitioner that the petitioner admits his marriage with the informant ten years prior to the filing of the present case and he is ready to keep the informant with full dignity and honour, statement to that effect has been made in paragraph 3 of the supplementary affidavit, which reads as follows:-

“That the petitioner is still ready to keep the victim/informant as a wife with full dignity and honour.”

Notices were issued to informant, O.P. No. 2.

On appearance the informant accepted the offer of the petitioner to resume conjugal life. Hence, petitioner was granted provisional bail for one year and both sides agreed to appear before the learned court below on 18th of April, 2016 when the petitioner was supposed to take the informant to keep her as wife with full dignity and honour. The petitioner was supposed to get the land mutated in favour of the informant which was transferred by the father of the petitioner in favour of the informant.

It is submitted by learned counsel for the petitioner that the petitioner could not execute the bail bond and hence both the sides could not appear before the learned court



below on 18th of April, 2016 since the mutation of the land could not be done in favour of the informant which was a precondition for confirmation of provisional bail. Hence, the petitioner could not surrender but now the mutation has been done.

Though the grounds taken for extending the period of surrender is misconceived as the mutation or handing over the rent receipt was a precondition for confirmation of provisional bail and not for initial surrender or executing bail bonds.

In the present matter the notices were issued to opposite party no. 2 vide order dated 11.01.2017. It appears from the office note dated 10.03.2017 that ordinary process of notice has been received by opposite party no. 2, informant but none appears on behalf of opposite party no. 2.

In the interest of justice, the period of surrender is extended by 27th of March, 2017 and the period of provisional bail is further extended till 30th of May, 2017 in connection with Madhepura Mahila P.S. Case No. 25 of 2015 pending in the court of learned Chief Judicial Magistrate, Madhepura.

In the meantime, the learned court below will give opportunity to the informant to resume conjugal life as she



has accepted the offer of the petitioner which gets reflected from the order dated 28.03.2016 passed in Cr. Misc. No. 50438 of 2015.

The provisional bail of the petitioner will 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.

Counsel for the petitioner is permitted to file document with regard to the mutation before the learned court below.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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