

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47637 of 2016

Arising Out of PS.Case No. -1373 Year- 2013 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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Shailendra Kumar Karan @ Shailendra, Son of Late Digambar Lal Das,
Resident of Mohalla – Patna Slam-20, Kankarbagh Colony, Patna, P.S. –
Kankarbagh, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sadhna Kumari, Wife of Shailendra Kumar Karan @ Shailendra,
Daughter of Diwakar Prasad Das, Resident of Village – Murliganj,
Ward No. 6, P.S. – Murliganj, District – Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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

ORAL ORDER

03/ 18-10-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner being the husband of the complainant has renewed the prayer for anticipatory bail in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

Earlier the petitioner moved this Court vide Cr. Misc. No. 39453 of 2015 wherein the petitioner was granted provisional anticipatory bail for one year vide order dated



05.01.2016 when both sides agreed to resolve the issue and to appear before the learned Court below on 22nd of February, 2016, when the petitioner was supposed to take the complainant and child to keep them with full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant is reluctant to reconcile the issue. The provisional bail was valid up to 04.01.2017, whereas the present second anticipatory bail petition got registered on 28.10.2016.

Learned counsel for the petitioner submits that on one pretext or the other the provisional bail of the petitioner has not been confirmed, though the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Considering the fact that the petitioner was granted provisional anticipatory bail for one year which was to be confirmed by learned Court below in aforementioned three eventualities but during subsistence of provisional bail fresh anticipatory bail petition has been filed by the petitioner, this Court is not inclined to interfere. However, in view of the stand of



the petitioner and the fact that the petitioner has enjoyed the privilege of bail for a considerable period, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Complaint Case No. 1373 of 2013, pending in the Court of learned SDJM, Madhepura.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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