

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34197 of 2016

Arising Out of PS.Case No. -1047 Year- 2011 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Dashrath Kumar S/o Ramashray rayut R/o village-Shari Barh P.S.- Barh
Dist- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Kavita Devi W/o Deyrath Kumari vill-Barh Sahri P.S. Barh, Dist. Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Opposite Party/s : Mr. Smt. Meena Singh

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

ORAL ORDER

02/ 22-02-2017

Heard learned counsels for the petitioner and
the State.

The petitioner being the husband of the
complainant has renewed his prayer for anticipatory bail in a
complaint case wherein process has been directed to be issued
after cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code.

The petitioner was granted provisional
anticipatory bail for one year vide order dated 04.03.2015 passed
in Cr. Misc. No. 7824 of 2015 on the undertaking of the petitioner
that he is ready to keep the complainant as wife with full dignity
and honour. Statement to that effect has been made in paragraph



no. 12 of the earlier petition, which reads as follows:-

“That the petitioner is still ready to keep the O.P. No. 2 with full dignity, honour and respect.”

The learned court below was supposed to issue notice to the complaint for her appearance. On her appearance, the petitioner will take the complainant 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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the matrimonial harmony could not be restored due to the apathetic attitude of the complainant and before the Gram Kutchery the complainant herself filed petition that she does not want to reside with the petitioner.

Keeping in view of the fact that the period of provisional bail has already lapsed on 03.03.2016 when the present anticipatory bail application got registered on 10.08.2016, this Court is not inclined to revise the earlier order.



In the circumstances, let the learned court below consider the prayer for bail of the petitioner keeping in view of the fact that the petitioner is still ready to keep the complainant as wife with full dignity and honour, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 1047 of 2011 pending in the court of learned ACJM-III, Nawada.

Accordingly, this application is disposed of with the above observation and direction.

(Dinesh Kumar Singh, J)

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