

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36095 of 2016

Arising Out of PS.Case No. -89 Year- 2012 Thana -RASULPUR District- SARAN

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Shailesh Kr. Prasad @ Shailesh Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav

For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 16-08-2017

The petitioner being the husband of the informant has renewed his prayer for anticipatory bail in a case registered for the offences punishable under Sections 498A and 504/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant was married with the petitioner in the year 2010, but sometime after marriage, torture was inflicted to her for non-fulfillment of the dowry demand and ultimately, the informant was driven out from her matrimonial house on 06.11.2012.

The petitioner was earlier granted provisional anticipatory bail for one year vide order dated 22.01.2013, passed in Cr. Misc. No. 48042 of 2012, on his submission that he is ready to keep the informant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below



on substantial restoration of the matrimonial harmony or if the informant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner preferred Cr. Misc. No. 34212 of 2014 with a prayer for quashing the order of cognizance in the matter, wherein the matter was referred to the Patna High Court, Mediation & Conciliation Centre, but ultimately, the petitioner, being the husband of the informant, withdrew the application whereas prosecution with regard to others was quashed vide order dated 08.10.2015 passed by co-ordinate Bench of this Court.

It is further submitted that now the marriage between the petitioner and informant has completely broken down. However, the petitioner is ready to reconcile the issue on payment of permanent alimony.

Learned counsel for the informant/opposite party no.2 submits that the petitioner did not comply the earlier undertaking incorporated in the order dated 22.01.2013 passed in Cr. Misc. No.48042 of 2012, hence he has misused the privilege of bail. Moreover, the period of provisional bail got lapsed on 21.01.2014, whereas the present second anticipatory bail application has been registered on 20.08.2016, whereas the petitioner's quashing application was permitted to be withdrawn



vide order dated 08.10.2015 passed in Cr. Misc. No. 34212 of 2014.

Considering the rival submissions of the parties, this Court is not inclined to entertain the second anticipatory bail application of the petitioner since the petitioner failed to comply the undertaking incorporated in the order dated 22.01.2013 passed in Cr. Misc. No. 48042 of 2012, whereby the petitioner was granted provisional anticipatory bail for one year on submission that he is ready to keep the informant as wife with full dignity and honour but he did not make any effort to comply the undertaking.

Since, it is submitted by learned counsel for the petitioner that he is still ready to keep the informant as wife with full dignity and honour, let the learned court below consider the prayer for bail of the petitioner if he surrenders within a period of six weeks in view of the fact that the petitioner is ready to settle the issue, in connection with Rasulpur P.S. Case No. 89 of 2012 pending in the court of learned CJM, Saran at Chapra.

Accordingly, the present modification application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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