

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3606 of 2017

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Sunil Kumar @ Sanni Kumar, Son of Ashok Paswan, Resident of Mohalla-Charakhipar, P.S.- Malsalami , District- Patna

.... Petitioner/s

Versus

1. State of Bihar
2. Rimpal Kumari, W/o Sunni Kumar, D/o Sri Keshav Paswan, Resident of Village- Bari Kawai, P.S.- Sahjahanpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the State : Mr. Sri Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been filed for modification of the order dated 27.07.2015, passed in Criminal Miscellaneous No.29314/2015, for confirming the provisional anticipatory bail.

The petitioner being the husband of the complainant was granted provisional anticipatory bail for one year 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 and Section 4 of the Dowry Prohibition Act.

The provisional bail of the petitioner was to be



confirmed by the learned Court below on three eventualities –(i) if the matrimonial harmony is substantially restored or(ii)if the complainant fails to appear before the learned Court below or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled since the complainant is reluctant to reconcile the issue with the petitioner. The bail bond of the petitioner has still not been cancelled.

This Court is not inclined to interfere since the period of provisional bail lapsed on 26.07.2015 whereas the present modification application got registered on 27.01.2017.

However, keeping in view of the fact that the petitioner is still ready to keep the complainant with dignity and honour, it is a case for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.27527C/2014, pending before the learned SDJM, Patna.

(Dinesh Kumar Singh, J)

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