

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.14724 of 2017**

**In**

**Criminal Miscellaneous No.29550 of 2016**

Arising Out of PS. Case No.- Year- Thana- District- Jamui

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Arun Roy Son of Kishun Roy, Resident of Village- Harnitar, Police Station-  
Sono, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Babita Devi, Wife of Arun Roy, Resident of Village- Harnite, P.S.- Sono,  
District- Jamui (Bihar), Presently address D/o Lato Roy, Resident of Village-  
Banadih, P.S.- Sono, District- Jamui.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. SMT. ANUSUIYA JAISWAL

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

4      06-09-2017              Heard learned counsels for the parties.

The present application has been filed for modification of  
the order dated 21.7.2016 passed in Cr. Misc. No. 29550 of  
2016 to the extent of confirming the provisional anticipatory  
bail of the petitioner.

The petitioner being the husband of the complainant, was  
granted provisional anticipatory bail for six months vide order  
dated 21.7.2016 passed in Cr. Misc. No. 29550 of 2016. The  
learned court below was supposed to issue notice to the  
complainant and on her appearance the petitioner was to take  
the complainant to keep her with full dignity and honour. The  
provisional anticipatory bail of the petitioner was to be



confirmed in three eventualities - (I) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Learned counsel for the petitioner submits that the order of the learned court below dated 7.2.2017 as contained in Annexure 3 reflects that initially the complainant was ready to resume the conjugal life but subsequently on the same day and on the next day on 8.2.2017 she declined to resume the conjugal life since the petitioner performed second marriage. In the circumstances, the provisional anticipatory bail of the petitioner could not be confirmed.

It appears that the petitioner was granted provisional anticipatory bail for six months which got lapsed on 20.1.2017. The steps for reconciliation were being taken on 7.2.2017 whereas the present application was filed on 24.3.2017.

In the circumstances, this Court is not inclined to revise the earlier order. However, keeping in view the fact that the issue could not be reconciled since the complainant declined to resume the conjugal life on the ground that the petitioner performed second marriage, however, statement has been made in paragraph 6 of the present application that the petitioner has



not performed second marriage, it is a case for consideration of the prayer for regular bail in case the petitioner surrenders within six weeks from today before the learned court below in connection with Complaint Case No. 369C of 2013 pending in the court of the learned SDJM, Jamui.

With the aforesaid observation/direction, this application is disposed of.

**(Dinesh Kumar Singh, J)**

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