

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31572 of 2017

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

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Sudhir Ram @ Sudhir Kumar S/o- late Basudeo Ram R/o Village- Parwa
Navtol, Shantnagar, P.O. Parwa, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. SRI BISHESHWAR RAM

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-11-2017 Heard learned counsels for the parties.

The present application has been filed for modification of order dated 28.7.2016 passed in Cr. Misc. No. 50741 of 2015 whereby the petitioner being husband of the complainant was granted provisional anticipatory bail for one year in a complaint case wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that the petitioner was forced to marry the complainant, against which the petitioner filed Complaint Case No. 70 of 2012 for dissolution of marriage and thereafter the present case has been



initiated against him.

The order dated 28.7.2016 reflects that this Court vide order dated 3.11.2015 issued notices to the complainant/ O.P. No. 2, but in spite of valid service of notice upon O.P. No. 2/ the complainant, she failed to appear. Thereafter the matter was adjourned to 28.3.2016, but the O.P. No. 2 failed to appear on that date. Ultimately, the petitioner was granted provisional anticipatory bail for one year with a direction to the learned court below to issue notice to the O.P. No. 2. The provisional bail of the petitioner was directed 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.

The present modification application was filed before the lapse of the period of provisional anticipatory bail. This Court vide order dated 6.9.2017, issued notice to O.P. No. 2. The office note dated 28.11.2017 reflects that notice under ordinary process was received by the O.P. No. 2 personally, however, A/d has not been received, but none appears on behalf of O.P. No. 2.

There is nothing on record to suggest that after lapse of the period of provisional anticipatory bail, the bail bonds of the



petitioner have not been cancelled. Hence, this Court is not inclined to interfere. However, keeping in view the nature of accusation and the fact that Complaint Case No.70 of 2012 was filed by the petitioner at earlier point of time and that the O.P. No. 2 chose not to appear before this court, it is a case for consideration of the prayer of the petitioner for regular bail in case the petitioner surrenders within six weeks in connection with Complaint Case No. 855 of 2013 pending in the court of the learned SDJM, Madhepura. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

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

(Dinesh Kumar Singh, J)

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