

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30424 of 2017

Arising Out of PS. Case No.-243 Year-2014 Thana- GAYA COMPLAINT CASE District-
Gaya

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Samresh Singh, S/o Ram Bachan Singh, Residents of village- Tara Nagar,
Banshidih, P.S. Chas, District- Bokaro (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sandhya Devi, D/o Ram Naresh Singh, Resident of Mohalla- Gewal Bigha,
Munni Masjid, Side of Devi Sthan, P.S.- Rampur, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-12-2017 Heard Mr. Ravindra Kumar Sinha, learned Counsel
appearing on behalf of the petitioner and Mr. J. N. Thakur,
learned APP appearing on behalf of the respondent-State.

The present application has been filed for quashing of
the order dated 19.04.2017, passed by the learned Sub-
Divisional Judicial Magistrate, Gaya, in Tr. No. 175/17, arising
out of Complaint Case No. 243/2014, whereby, the learned
Court below has disposed of application filed on behalf of the
petitioner for confirming the provisional bail and the petition
filed by the complainant for cancelling the provisional bail of
the petitioner.

The factual matrix of the case is that the petitioner being



husband of complainant was granted provisional anticipatory bail for one year, in connection with Complaint Case No.243 of 2014, pending before the learned SDJM, Gaya, 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, on submission and statement made in para 12 of the main petition that the petitioner is ready to keep the complainant as wife with full dignity and honour. The learned Court below was directed to issue notice to the complainant for her appearance when the petitioner was to take the complainant to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored (ii) or, if the complainant fails to appear before the learned Court below (iii) or, if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the impugned order dated 19.04.2017 reflects that the petitioner's constant stand has been to keep the complainant as wife with full dignity and honour. Twice the complainant



agreed also to resume the conjugal life, but on the next day, she changed her stand, which gets reflected from the impugned order. A petition for confirmation of provisional bail was filed prior to expiry of the provisional bail.

Considering the fact that provisional anticipatory bail got lapsed on 28.02.2017, whereas, the present application has been registered on 03.07.2017, on this ground alone this Court is not inclined to interfere.

However, considering the constant stand of the petitioner to reconcile the issue and the fact that it is the complainant who has been reluctant to reconcile the issue, it would be a good ground for consideration of prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks. It is expected from the learned Court below to dispose of the regular bail application of the petitioner, on its filing, preferably on the same day.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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