

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33447 of 2017**

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Sudhir Singh Son of Rajeshwar Singh, R/o Village- Bhemad (Musepur),  
P.S. & District- Jehanabad, Presently Residing at Village- Jaitia, P.S.-  
Chekri, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi W/o Sudhir Singh, R/o Village- Bhemad (Musepur), P.S.  
& District- Jehanabad, Presently Resident of Village- Jaitiya, P.S.-  
Charki, District- Gaya.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Samir Kumar

For the Opposite Party/s : Mr. Sri Nand Kumar

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

**ORAL ORDER**

02/ 09-08-2017

The present application has been filed for  
modification of order dated 04.10.2016 passed in Cr. Misc. No.  
37980 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 in a complaint case, wherein processes have 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 Dowry Prohibition Act. The provisional anticipatory  
bail was granted to the petitioner on submission of learned counsel  
for the petitioner that the petitioner is ready to keep the



complainant as wife with dignity and honour. The offer was reluctantly accepted by the complainant and both sides undertook to appear before the learned court below on 28<sup>th</sup> of July, 2015 when the petitioner was to take the complainant along with him. The provisional bail was to be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that the petitioner made all efforts to get the issue reconcile but due to the apathetic attitude of the complainant the issue could not be reconciled. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Considering the fact that the period of provisional anticipatory bail got lapsed on 03.04.2017, while the present modification application got registered on 17.07.2017, this Court is not inclined to modify the earlier order. However, in view of the present stand of the petitioner, it is a case for consideration of prayer for bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 1288 of 2013, pending in the court of



learned Sub-divisional Judicial Magistrate, Gaya. It is expected from the learned court below to dispose of the bail application, preferably, on the same day.

Accordingly, this modification application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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