

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34878 of 2017

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Jai Prakash Kumar @ Anil Kumar Son of Naresh Ram, R/o Village-
Sonachak, P.S.- Gaurichak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Suman Priya @ Suman Kumari, D/o Jagdish Ram,
3. Jagdish Ram, S/o Both R/o Village- Badulahchak, P.S.- Parsa Bazar,
District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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

02/ 20-09-2017

The present application has been filed for
modification of order dated 25.04.2016 passed in Cr Misc. No.
17803 of 2016 to the extent of confirming provisional anticipatory
bail granted to the petitioner.

The petitioner, being the husband of the
daughter of the complainant, was granted provisional anticipatory
bail for one year vide order dated 03.05.2016 passed in Cr. Misc.
No. 19762 of 2016 in a complaint case, wherein process has been
directed to be issued after cognizance being taken for the offence
punishable under Section 498A of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act, on the submission and
statement made in paragraph 8 of the main petition that he is



ready to keep the daughter of the complainant as wife with full dignity

The learned Court below was supposed to issue notice to the daughter of the complainant and on her appearance, the petitioner was supposed to take the daughter of the complainant to her matrimonial house to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below in three eventualities- (i) On substantial restoration of the matrimonial harmony within a period of one year, or (ii) if the daughter of the complainant fails to appear before the learned Court below or (iii) if the daughter of the complainant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the daughter of the complainant, when the provisional anticipatory bail of the petitioner has not been confirmed. Learned counsel drew my attention to order dated 18.05.2017 passed in Complaint Case No. 28779(C) of 2014, which reflects that it is case of the complainant that the petitioner has performed second marriage and in the circumstances, after expiry of the period of provisional anticipatory bail non-bailable warrant of arrest has been issued against the petitioner.



Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 02.05.2017, whereas the present modification application has been registered on 24.07.2017, this Court is not inclined to modify the earlier order. However, the present order will not preclude the learned Court below to consider the prayer for regular of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Complaint Case No. 28779(C) of 2014, pending in the court of learned SDJM, Patna.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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