

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23524 of 2016

Arising Out of PS.Case No. -147 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Tunnu Kumar @ Kaushal Kumar son of Shri Kapildeo Narayan, Resident
of Mohalla- Prem Nagar, Chak Bairiya, P.S.- Gopalpur, Sampatchak,
District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Seema Devi, Wife of Tunnu Kumar @ Kaushal Kumar, daughter of
Krishnadeo Verma, Resident of Mohalla- Saguna, P.O.- Danapur Cantt,
P.S.- Danapur, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Chandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-03-2017

Heard.

The petitioner has renewed the prayer for
anticipatory bail in a complaint case wherein processes have
been directed to be issued after cognizance being taken under
sections 323, 498A of the Indian Penal Code and 3/4 of the
Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of
dowry demand.

It is submitted by learned counsel for the petitioner
that the petitioner admits his marriage with the complainant and
is ready to keep her as wife with full dignity and honour. A



statement to that effect has been made in paragraph no.8 of the petition, which reads as under :-

"That the petitioner is whole heartedly ready to keep the complainant (O.P.No.2) as wife with all dignity and honour..."

The petitioner was granted provisional anticipatory bail vide Criminal Miscellaneous No.26553 of 2013 for one year, on readiness of the petitioner to keep the complainant as wife with dignity and honour and the offer of the petitioner was accepted by the complainant. The provisional bail of the petitioner was to be confirmed by the learned court below in three eventualities *"if the matrimonial harmony is substantially restored (ii) if the complainant gets reluctant to reconcile the issue, or,(iii)if the complainant fails to appear before the learned Court below."*

It is submitted by learned counsel for the petitioner that the matrimonial harmony could not be restored due to reluctant attitude of the complainant but he is still ready to keep the complainant as wife with full dignity and honour.

It appears that the present application has been filed on 24.05.2016, when the provisional bail got disposed of on 30.09.2014. Moreover, the complainant earlier filed Criminal Miscellaneous



No.10081 of 2015 with a prayer for cancellation of provisional bail of the petitioner. The same was disposed of vide order dated 26.10.2016 since the period of provisional bail lapsed on 30.09.2014. The petitioner's application for confirmation of provisional bail has been rejected by the learned court below vide order dated 19.01.2015.

Considering the fact that the present application with a prayer for anticipatory bail has been preferred much after expiry of the period of provisional bail, this Court is not inclined to entertain the present application. But keeping in view of the fact that the petitioner is still ready to keep the complainant as wife with dignity it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.147C of 2012, pending before the learned SDJM, Danapur.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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