

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48696 of 2017

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

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Anil Kumar Pandey @ Guddu Pandey, Son of Dashrath Pandey, Resident of Village-Shakila, P.S.-Karakat, District-Rohtas.

... .. Petitioner/s

Versus

1. State of Bihar
2. Amria Devi, Daughter of Ram Naresh Dubey, Resident of Village-Siyarampur, P.S.-Paliganj, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwari, adv.
For the State	:	Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-11-2017 Heard learned Counsel for the petitioner and learned
APP for the State.

The present application has been filed for modification of the order dated 23.02.2016, passed in Criminal Miscellaneous No.8720 of 2016 in connection with a case, registered for the offences punishable under section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, whereby, the petitioner being the husband of informant was granted provisional anticipatory bail for six months, on submission and statement made in paragraph 9 of the petition that the petitioner is ready to keep the informant as wife with full dignity and honour. The offer of the petitioner was accepted by the informant. Hence, both sides agreed to



appear before the learned Court below on 8th of March, 2016, when petitioner was to take the informant to keep her as wife with full dignity and honour. The provisional anticipatory bail of petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) on substantial restoration of matrimonial harmony within a period of six months (ii) or, if the informant fails to appear before the learned Court below (iii) or, if the informant gets reluctant to reconcile the issue.

Learned Counsel for the petitioner submits that the petitioner made effort to reconcile the issue, but the reconciliation could not take place due to adamant attitude of the informant.

Since the period of provisional anticipatory bail of petitioner got lapsed on 22.08.2016 and the present modification application was registered on 09.10.2017, this Court is not inclined to modify the order.

The order dated 30.03.2017, passed by the learned SDJM, Bikramganj, has been brought on record as Annexure-2, which suggests that the petitioner failed to take sincere effort to reconcile the issue and hence the learned Court below directed for issuance of non-bailable warrant of arrest.

In the circumstances, the present application has



become infructuous.

However, keeping in view the fact that the petitioner is still ready to keep the informant as wife with full dignity and honour and he has enjoyed the privilege of anticipatory bail for a considerable period, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders within a period of six weeks in connection with Karakat P.S. Case No. 120 of 2015, pending before the learned Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

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