

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16038 of 2017

Arising Out of PS.Case No. -1052 Year- 2013 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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Ranjit Sah Son of Late Sitaram Sah, R/o Village- Bakhari, P.S.- Sour Bazar,
District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jyoti Devi, W/o Ranjit Sah, D/o Hirday Kumar Sah, R/o Village- Chikni
Tola Kharh, P.O.- Bhawanipur, P.S.- Gamhariya, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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

ORAL ORDER

02/ 17-01-2018

Heard learned counsel for the petitioner and Mr.

J.N. Thakur for the State.

The petitioner, being the husband of the complainant, has renewed the prayer for anticipatory bail 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 Sections 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

The factual matrix of the case would unveil that



the petitioner preferred Cr. Misc. No. 36756 of 2015 with a prayer for anticipatory bail on the submission made on behalf of the petitioner and statement to that effect being made in paragraph 7 of the aforesaid Cr. Misc. No. 36756 of 2015 that the petitioner is ready to keep the opposite party no. 2, the complainant as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail for one year vide order dated 27.08.2015 for one year, as contained in Annexure-1. The learned Court below as supposed to issue notice to the complainant and on her appearance the petitioner was supposed to take the complainant 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) if the matrimonial harmony is substantially restored; or (ii) if the complainant fails to appear before learned Court below; or (iii) if the complainant gets reluctant to reconcile the issue. Consequently, the petitioner furnished bail bond on 09.09.2015. On 18.12.2015 both petitioner and complainant appeared in pursuance to the notices issued to her but the issue could not be resolved. Subsequently, the complainant failed to appear before the learned Court below from 08.04.2016 to 30.01.2017, as a result, also the issue could not be resolved. Hence, the petitioner has renewed the prayer for anticipatory bail.



Considering the fact that the period of provisional bail of the petitioner got lapsed on 26.08.2016, whereas the present application was registered on 30.03.2017, this Court is not inclined to interfere. There is nothing on record to suggest the present stage of the case.

Considering the nature of accusation and the fact that the petitioner has enjoyed the privilege of bail for a considerable period, moreover, the material on record does not suggest that the complainant also took any endeavour to reconcile the issue, let the learned Court below consider the prayer for regular bail 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. 1052C of 2013, pending in the Court of learned Sub-divisional Judicial Magistrate, Madhepura. It is expected from the learned Court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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