

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6971 of 2017

Arising Out of PS.Case No. -1403 Year- 2013 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Mamta Kumari, Wife of Shree Satish Kumar Singh, D/o-Sri Ramapati Singh, Resident of Village-Keshauri, P.S.-Pakaribarawan, District-Nawada. At Present residing at Village-Sambe, P.S.-Warisaliganj, District-Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar Singh, Son of Sri Suresh Prasad Singh, R/o Village-Keshauri, P.S.- Pakribarawan, District-Nawada. At Presently Posted as - Section Engineer, Dhanbad Railway Station, Platform No.-3, Section Engineer Room, Dhanbad, Jharkhand-826001

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-09-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The present application has been filed for cancellation of provisional anticipatory bail of opposite party no. 2, Satish Kumar Singh @ Satish Kumar, who being the husband of the complainant, was granted provisional anticipatory bail for one year vide order dated 26.11.2015 passed in Cr. Misc. No. 53314 of 2015 in connection with Complaint Case No. 1403 of 2013 wherein processes were issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act, pending in the



Court of learned SDJM, Nawada.

On submission made on behalf of the opposite party no. 2 that he is ready to keep the complainant with full dignity and honour and the offer being accepted by the complainant, the opposite party no. 2 was granted provisional anticipatory bail for one year. The learned Court below was supposed to issue notice to the complainant and on her appearance the opposite party no. 2 was to take the complainant to keep her as wife with full dignity and honour. The provisional anticipatory 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 complainant fails to appear before the learned Court below or (iii) if the complainant gets reluctant to reconcile the issue. There is nothing on record to suggest that the provisional bail has been confirmed by the learned Court below.

The attention of this Court has been drawn towards the order dated 21.10.2016 passed by learned SDJM, Nawada in Complaint Case No. 1403 of 2013 which reflects that the complainant-petitioner was ready to resume the conjugal life only if opposite party no. 2 will keep the complainant at the place of his employment, who was residing in Railway Guest House,



Dhanbad whereas the condition was stipulated in the order was to the effect that opposite party no. 2 was to take the petitioner/complainant to matrimonial house. The opposite party no. 2 is ready to take the complainant-petitioner to her matrimonial house but she is not inclined to accept the offer, as a result, the application dated 12.05.2016 filed by the petitioner before the learned Court below for cancellation of bail bond was rejected. Though, the order does not reflect that provisional bail was confirmed or not. However, the learned Court below ought to have passed a specific order on the issue of confirmation of the provisional bail of the opposite party no. 2.

Considering the fact that the O.P. No. 2 has enjoyed the privilege of anticipatory bail for last more than three years and there is nothing on record go suggest that he has misused the privilege of bail, moreover, from the order of the learned Court below it appears that the issue could not be reconciled due to the reluctance on the part of the petitioner-complainant, this Court is not inclined to interfere. Accordingly, this application is dismissed.

(Dinesh Kumar Singh, J)

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