

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8900 of 2018

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Randhir Kumar Jha @ Punnu Kumar Jha, son of Geeta nand Jha, resident of
Village- Bela Rauahi, P.S.- Babubarahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Sweta Devi, wife of Randhir Kumar Jha @ Punnu Kumar Jha, D/o-
Harenra Jha, resident of Village- Kanhauli, P.S.- Khajauli, District-
Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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

ORAL ORDER

03/ 21-03-2018

The present application has been filed for
modification of the order dated 12.04.2016 passed in Cr. Misc.
No. 16089 of 2016, whereby the petitioner, being the husband of
the complainant, was granted provisional anticipatory bail for one
year in a complaint case wherein processes have been directed to
be issued after cognizance being taken for the offences punishable
under Sections 323, 379, 498A, 504 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

It was submitted on behalf of the petitioner
that the petitioner is ready to keep the complainant with full
dignity and honour. Statement to that effect had been made in
paragraph 10 of the main petition, which reads as follows:-

“That the petitioner is the husband of the



complainant and is ready to keep her with full dignity and honour.”

The petitioner was thus granted provisional anticipatory bail for one year. The learned Court below was supposed to issue notice to the complainant when the petitioner was supposed 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; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned Court below.

It is submitted by learned counsel for the petitioner that the issue could not be resolved due to the apathetic attitude of the complainant and thereafter the petitioner filed matrimonial suit with a prayer for dissolution of marriage. Though, the petitioner preferred application before the learned Court below for confirmation of provisional bail but the learned SDJM, Madhubani vide order dated 16.10.2017 declined to confirm since the period of provisional bail got lapsed, which has been brought on record by way of supplementary affidavit as Annexure-2 to suggest that the complainant Sweta Devi was ready to resume the conjugal life but



the petitioner declined to take the complainant and has filed matrimonial suit.

Considering the fact that the period of provisional anticipatory bail got lapsed on 11.04.2017, whereas the present modification application has been registered on 13.02.2018 coupled with the inconsistent stand of the petitioner, this Court is not inclined to interfere. However, keeping in view the fact that the petitioner has remained on anticipatory bail for considerable period, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Complaint Case No. 1288 of 2013 pending in the Court of learned Sub-divisional Judicial Magistrate, Madhubani.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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