

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47500 of 2017

Arising Out of PS.Case No. -315 Year- 2015 Thana -MASRAKH District- SARAN

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Om Prakash Prabhakar, S/o Vishwanath Prasad, Resident of Village-
Bahrauli (Darbar Tola), P.S.- Mashrak, District- Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 24-01-2018

The petitioner, being the husband of the informant, has renewed the prayer for anticipatory bail in Masrakh P.S. Case No. 315 of 2015 registered for the offences punishable under Sections 498A, 341, 323, 307/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, pending in the Court of learned Judicial Magistrate, Ist Class, Saran at Chapra.

The petitioner was granted provisional anticipatory bail for one year vide order dated 07.01.2016 passed in Cr. Misc. No. 889 of 2016 on submission and statement made in paragraph 7 of the petition that the petitioner being the husband of the informant is ready to keep the informant as wife with full dignity and honour. The learned Court below was expected to issue notice to the informant and on her appearance the petitioner



was supposed to take the informant 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 informant fails to appear before learned Court below or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue could not be resolved and now the petitioner is not ready to keep the informant rather he is ready to part ways on payment of one time settlement amount or to make some monthly payment to the informant.

It is submitted by learned counsel for the informant that vide order dated 19.01.2017 passed by learned Judicial Magistrate, Ist Class, Saran at Chapra, processes under Sections 82 and 83 of the Cr.P.C. have been issued against the petitioner and now the trial has commenced.

Considering the fact that the period of provisional anticipatory bail got lapsed on 06.01.2017, whereas the present anticipatory bail application got registered on 22.09.2017 coupled with the fact that the petitioner's bail bond has been cancelled and processes under Sections 82 and 83 of the Cr.P.C. have been issued, this Court is not inclined to interfere. Accordingly, this



application is dismissed.

However, learned Court below will not preclude to consider the prayer for regular bail of the petitioner and get the issue mediated between the parties.

(Dinesh Kumar Singh, J)

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