

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4890 of 2018

Arising Out of Complaint Case No.797C.- Year- 2015 District- Jamui

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Raj Kumar, S/o Shivnandan Prasad Yadav, R/o Village- Bhanterkathi, Post
Office Mithahi Bazar, P.S.- Madhepura, in the District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Swati Anupam, W/o Raj Kumar D/o Subhash Chandra Roy, R/o Naya
Tola, Behind of Bihar Veterinary Hospital, P.S.& District- Jamui.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhanshu Shekhar, Adv.

For the Opposite Party/s : SMT. ASHA KUMARI, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-01-2018 Heard.

The present application has been filed for modification of the order dated 27.01.2016 passed in Criminal Miscellaneous No.3871 of 2016 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The petitioner being husband of complainant was granted provisional anticipatory bail for one year, in connection with Complaint Case No.3871 of 2016, pending before the learned SDJM, Jamui, wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A, 323, 504, 307 and 120B/34 of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act, on submission of the petitioner and



statement made in paragraph no.16 of the main application that the petitioner is ready to keep the complainant as wife with full dignity and honour. The learned Court below was directed to issue notice to the opposite party no.2 for her appearance and on appearance of opposite party no.2, the petitioner was supposed to take her to keep her as wife with full dignity and honour. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored (ii) or if the complainant fails to appear before the learned Court below (iii) or if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue got reconciled between the parties and both, the petitioner and the complainant, are residing together for last one year and thereafter, a petition was filed by the complainant on 08.07.2017 before the learned Court below. Subsequently, the bail bonds of the petitioner was cancelled by the learned Court below vide order dated 22.09.2017 passed in Complaint Case No. 797 C of 2015.

Since the bail bonds of the petitioner has already been cancelled and the provisional bail of the petitioner got lapsed



on 26.01.2017 and the present modification application was registered on 24.01.2018 this Court is not inclined to modify the earlier order.

However, keeping in view the nature of dispute and the fact that *prima facie* it appears that subsequently the complainant got reluctant to reconcile the issue, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

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