

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34710 of 2018

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Shambhu Paswan @ Ranjeet son of Sri Mohan Paswan, Resident of
Village- Sahabad, P.S. Pirpanti, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 20-06-2018

Heard Mr. Subodh Kumar Jha, learned
counsel for the petitioner and Mr. J.N. Thakur, learned counsel for
the State.

The present application has been filed for
modification of the order dated 27.08.2015 passed in Cr. Misc.
No. 37223 of 2015 to the extent of confirming the provisional
anticipatory bail.

The petitioner, being the husband of the
informant, was granted provisional anticipatory bail for one year
in a case registered for the offences punishable under Sections
498A, 341, 323, 379, 504/34 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act vide order dated



27.08.2015 passed in Cr. Misc. No. 37223 of 2015.

The provisional anticipatory bail was granted to the petitioner on the condition that the petitioner will take the informant to his native place and after three months of the same he will take her at the place of employment since he is a Constable.

The provisional anticipatory bail was to be confirmed within one year by the learned Court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned Court below.

It is submitted by learned counsel for the petitioner that the informant is ready to resume the conjugal life if the petitioner took her to his place of posting, but since the petitioner has no accommodation at the place of his posting he is unable to take the informant. It is further submitted that the bail bond of the petitioner has been cancelled vide order dated 12.09.2017.

Considering the fact that the period of provisional anticipatory bail got lapsed on 26.08.2016, whereas the present modification application has been registered on 14.06.2018 and the bail bond of the petitioner has already been



cancelled, this Court is not inclined to interfere.

However, since the petitioner is a Government servant and in view of the specific statement made in paragraph 9 of the petition to the effect though the petitioner is ready to keep the informant as wife with dignity but the informant she has performed second marriage, 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 Pirpanti P.S. Case No. 156 of 2015 pending in the Court of learned Sub-divisional Judicial Magistrate, Bhagalpur.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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