

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62350 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Aurangabad

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Mritunjay Kumar, son of Sri Shiv Prasad Singh, resident of Village-
Moindpur, P.O. Chanda, P.S. Khudwa, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shiyamani Devi, D/o Rajdeo Singh, W/o Mritunjay Kumar presently residing
at and P.O. Babu Amouna, P.S. Daudnagar, District Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6

For the Opposite Party/s : Mr. SRI MRITUNJAY KUMAR NIRALA

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-02-2018 Heard learned counsels for the parties.

The present application has been filed for modification of
order dated 16.2.2012 passed in Cr. Misc. No. 4745 of 2012 to
the extent of confirming the provisional anticipatory bail for one
year or extending the period of surrender of the petitioner.

The factual matrix of the case is that the petitioner being
the husband of the complainant filed Cr. Misc. No. 4745 of 2012
with a prayer for anticipatory bail in a complaint case wherein
process was directed to be issued after cognizance being taken
for the offence under section 498A of the IPC. The basic
accusation is of torture for non-fulfillment of dowry demands.
On joint submission that both sides are ready for reconciliation,
the petitioner was granted provisional anticipatory bail for one



year vide order dated 16.2.2012. Both sides were supposed to appear before the learned court below on 19th March, 2012. The provisional bail of the petitioner was supposed to be confirmed by the learned court below on substantial restoration of the matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that since 2012 the complainant was residing with the petitioner but now she has deserted the petitioner.

Keeping in view of the fact that the petitioner's provisional anticipatory bail got lapsed on 15.2.2013 whereas the present application has been filed on 19.12.2017, this Court is not inclined to interfere. However, keeping in view the nature of accusation and the fact that the issue was reconciled between the parties since 2012 and the petitioner has enjoyed the privilege of anticipatory bail for a considerable period, it is a case for consideration of regular of the petitioner by the learned court below in case the petitioner surrenders within six weeks in connection with Complaint Case No. 152 of 2011 pending in the court of the learned SDJM, Daudnagar, Aurangabad. The learned court below is expected to consider the prayer of the petitioner for regular bail preferably on the same day.



With the aforementioned observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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