

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49889 of 2018

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Sant Kumar, Son of late Tribhuwan Singh, Resident of Village- Pashaurha, Police Station- Sigori, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibha Kumari Wife of Sant Kumar Resident of Village- Pasaurha, Police Station- Sigori, District- Patna at Present residing at Kasturba Path; Police Station- Sri Krishnapuri, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 29-08-2018

Heard learned counsel for the petitioner and the learned APP for the State.

The present application has been filed for modification of the order dated 24.08.2015 passed in Cr. Misc. No. 39536 of 2015 to the extent of confirming the provisional bail. 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 Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, on submission made on behalf of the petitioner that the petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in



paragraph 8 of the main petition, the petitioner was granted provisional anticipatory bail for one year. The learned Court below was supposed to issue notice to the complainant and on appearance of the complainant before the learned Court below, 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 or (ii) if the complainant fails to reconcile the issue or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuant to the order of this Court, the petitioner took the complainant to her matrimonial house but after some time, she changed her stand and due to her reluctance, the issue could not be reconciled. The petitioner is still ready to keep the complainant as wife with full dignity and honour.

Learned counsel the petitioner drew the attention of this Court to the order dated 04.07.2018 passed by learned SDJM, Barh in Complaint Case No. 64-C of 2014, which suggests that the petitioner made efforts to reconcile the issue and the complainant went to her matrimonial home but subsequently a petition was filed on behalf of the complainant to cancel the bail



bond of the petitioner. However, the learned Court below extended the period of provisional bail for 21 days, meaning thereby, the petitioner was allowed to remain on provisional bail till July, 2018.

Considering the fact that the period of provisional anticipatory bail got lapsed on 23.08.2016, whereas the present modification application has been registered on 10.08.2018 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 provisional anticipatory bail anticipatory bail for a 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. 64-C of 2014, pending in the Court of learned Sub-divisional Judicial Magistrate, Barh.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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