

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33659 of 2017

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

Bhusan Pandit

... .. Petitioner/s

Versus

1. State Of Bihar
2. Mira Devi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. SRI BINOD KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-01-2018 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 4.9.2015 passed in Cr. Misc. No. 41990 of 2015 to the extent of confirming the provisional anticipatory bail granted to the petitioner for one year.

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 and 379/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, on submission and statement of the petitioner made in paragraph 12 of the petition that the petitioner is ready to keep the informant with full honour and dignity. The learned court below was supposed to issue notice to the informant and on her appearance the petitioner was



supposed to take her to matrimonial house. The provisional anticipatory bail was to be confirmed in three eventualities - (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below, or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuance to the order of this Court, the informant went to matrimonial house for a brief period and thereafter she deserted the petitioner and filed Sarairanjan P.S. Case No. 207 of 2015 on 14.12.2015 with accusation under sections 323,498A and 504 of the IPC and Sections 3 and 4 of Dowry Prohibition Act wherein the petitioner was arrested and subsequently granted bail. Consequently, vide order dated 12.4.2017 passed by learned SDJM, Dalsinghsarai the bail bond of the petitioner in the present case has been cancelled and non-bailable warrant has been issued against the petitioner.

The said order has not been challenged. Moreover, the period of provisional anticipatory bail of the petitioner got lapsed on 3.9.2016 whereas the present modification application has been filed on 18.7.2017. Hence, this Court is not inclined to interfere. However, in view of the fact that in the subsequent case with similar accusation the petitioner was made accused



and was granted regular bail, it is a case for consideration of prayer for regular bail by the learned court below if the petitioner surrenders within six weeks in connection with Samastipur (Women) P.S. Case No. 3 of 2015 pending in the court of the learned ACJM, Samastipur.

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

(Dinesh Kumar Singh, J)

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