

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20682 of 2017

Arising Out of PS.Case No. -1196 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Sunil Prasad, son of Ramji Sah, Resident of Village- Belauti, Police Station-
Shahpur and District- Arrah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi @ Savita Devi @ Sumita Devi, D/o Sri Kapil Muni Sah and
wife of Sri Sunil Prasad, the petitioner Village- Nawanagar, P.S.-
Nawanagar and District- Baxur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Vinayak

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 17-01-2018

Heard learned counsel for the petitioner and Mr.

J.N. Thakur for the State.

The petitioner, being the husband of the complainant, has renewed the prayer for anticipatory bail with alternative prayer for confirming the provisional anticipatory bail 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 Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.



The factual matrix of the case would unveil that the petitioner preferred Cr. Misc. No. 1279 of 2016 with a prayer for anticipatory bail when on the submission made on behalf of the petitioner and statement to that effect was made in paragraph 9 of the aforesaid Cr. Misc. No. 1279 of 2016 that the petitioner is ready to keep the opposite party no. 2, the complainant as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail for one year vide order dated 11.01.2016 for one year. The learned Court below as supposed to issue notice to the complainant and on her appearance the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below in three eventualities: (i) if the matrimonial harmony is substantially restored; or (ii) if the complainant fails to appear before learned Court below; or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled and hence, through the present application prayer for anticipatory bail has been renewed.

Considering the fact that the period of provisional bail of the petitioner got lapsed on 10.01.2017, whereas the



present application was registered on 26.04.2017, this Court is not inclined to interfere. However, in view the fact that the petitioner has enjoyed the privilege of bail for a considerable period, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Complaint Case No. 1196(C) of 2014, pending in the Court of learned Sub-divisional Judicial Magistrate, Buxar. It is expected from the learned Court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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