

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12178 of 2018

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1. Anjit Choudhary, S/o Suresh Choudhary,
 2. Suresh Choudhary, S/o Dashrath Choudhary, Both Permanent residents of Village- Lebura Kalyan, P.S.- Rohtas, District- Rohtas, Bihar. Presently residing at Muhalla- Purani Basti, Raigarh, P.O.+P.S.- Raigarh, District- Raigarh, Chattisgarh.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mira Devi, W/o Anjit Choudhary, D/o Suresh Chaudhary, R/o Village- Rasulpur, P.S. & Dist- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 25-04-2018

The present application has been filed for modification of the order dated 08.10.2015 passed in Cr. Misc. No. 47736 of 2015 to the extent of extending the period of surrender.

The petitioner no. 1, being the husband of the informant and petitioner no. 2 being the father of petitioner no. 1 preferred Cr. Misc. No. 47736 of 2015 with a prayer for anticipatory bail in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Considering the basic accusation of torture and the stand of petitioner no. 1 to the effect that he is ready to



kept the informant as wife with full dignity and honour and statement to that effect being made in paragraph 9 of the main petition, the petitioner no. 1 was granted provisional bail for one year vide order dated 08.10.2015. The learned Court below was supposed to issue notice to the informant and on her appearance the petitioner no. 1 was to take the informant to keep her as wife with full dignity and honour. The provisional bail of petitioner no. 1 was to be confirmed by the learned Court below 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.

Considering the stand of petitioner no. 1, petitioner no. 2 was granted anticipatory bail in connection with Rohtas P.S. Case No. 37 of 2012, pending in the Court of learned SDJM, Dehri-on-Sone, Rohtas.

On filing of the present modification application, this Court vide order dated 07.03.2018 notice was issued to the informant-opposite party no. 2. The office note dated 24.04.2018 reflects that the notices have been validly served upon opposite party no. 2, but none appears on behalf of opposite party no. 2.



In the circumstances, so far as petitioner no. 1 is concerned, this Court is not inclined to extend the period of surrender.

However, it is submitted that due to acute illness petitioner no. 1 could not surrender, but keeping in view the fact that the order impugned was passed on 08.10.2015 and the present modification application has been registered on 26.02.2018, this Court is not inclined to extend the period of surrender of petitioner no. 1. However, keeping in view the fact that petitioner no. 1 is still ready to keep the informant as wife with full dignity and honour, it is a case for consideration of prayer for bail by learned Court below provided that petitioner no. 1 surrenders before the learned Court below within a period of four weeks. It is expected from the learned Court below to dispose of the application on the same day and if, need be, learned Court below may conduct mediation after granting provisional bail to petitioner no. 1

So far as petitioner no. 2 is concerned, he was granted anticipatory bail, but could not surrender and furnish the bail bonds hence, the period of surrender is extended by four weeks from the date of receipt/production of a copy of this order in connection with Rohtas P.S. Case No. 37 of 2012,



pending in the Court of learned SDJM, Dehri-on-Sone, Rohtas.

Accordingly, this modification application is disposed of.

However, it is made clear that no further modification application will be entertained.

(Dinesh Kumar Singh, J)

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