

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17603 of 2018

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Bhola Paswan Son of Baldeo Paswan Resident of Village Bhairganj,
Police Station Bhairganj, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Memanti Devi, Wife of Bhola Paswan, Daughter of Gurucharan Paswan Resident of Village- Raichor, Police Station Nawadih, P.S. Chandramandih, District - Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Sinha, Advocate
For the State : Mr. Smt. Sucheta Yadav, APP
For O.P. No. 2 : Mr. Rajesh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 25-07-2018

The present application has been filed for modification of the order dated 09.05.2016 passed in Cr. Misc. No. 57675 of 2015 to the extent of extending the period of surrender.

The petitioner, being the husband of the informant, was granted provisional anticipatory bail for three months in a case registered for the offences punishable under Sections 323, 307, 149, 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand and making assault after 11 years of the marriage.



On submission and the statement in paragraph 10 of the main petition that the petitioner is ready to keep the informant-opposite party no. 2 with full dignity and honour and the offer was accepted by learned counsel for opposite party no. 2 and both sides agreed to appear before the learned Court below on 10th of May, 2016 when the petitioner was to take the informant to keep her as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail for three months. The provisional anticipatory bail was to be confirmed by the learned Court below on substantial restoration of the matrimonial harmony or if the matrimonial harmony could not be restored due to the latches on the part of the informant.

It is submitted by learned counsel for the petitioner that the petitioner was not granted leave from the place of his employment and hence, he could not furnish bail bond and still he is ready to keep the informant with full dignity and honour.

Learned counsel for the informant submits that after grant of provisional bail, the petitioner neither appeared before the learned Court below nor did he make any effort to take the complainant to her matrimonial house. However, the informant is still ready to accept the offer of the petitioner.

Considering the callous manner in which the



petitioner treated the order of this Court, this Court is not inclined to interfere. However, let the learned Court below consider the prayer for regular bail of the petitioner keeping in view the fact that both sides are ready to reconcile the issue, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Jamui Mahila P.S. Case No. 62 of 2014, pending in the Court of learned Sub-divisional Judicial Magistrate, Jamui.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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